

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JAMES A. STEPHENS, III,

Plaintiff,

v.

CITY OF MONTGOMERY, et al.,

Defendant.

JUL 10 5:26
BRIAN P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Case No. 2:07cv473-ID

RESPONSE AND WRITTEN REPORT OF DEFENDANTS,
CITY OF MONTGOMERY, WARDEN W. COLLINS
& ASSISTANT WARDEN M. E. BRANTLEY

COME NOW the Defendants, City of Montgomery ("City"), Warden W. Collins ("Collins") & Assistant Warden M. Brantley ("Brantley") through undersigned counsel, and in accordance with this Court's Order of June 1, 2007, file this Response and Written Report to Plaintiff's Complaint.

I. FACTS

Plaintiff James Stephens ("Stephens") was incarcerated at the Montgomery Municipal Jail on May 18, 2007 and released May 19, 2007. Stephens was stopped at approximately 12:55 a.m. in the 3200 block of Mobile Highway on May 18, 2007. (*DX 1, Montgomery Municipal Court Certified Records*). Stephens was issued several traffic citations and also arrested for outstanding fines. (*DX 1, Montgomery Municipal Court Certified Records*). Stephens went before the Montgomery Municipal Court on May 19, 2007. (*DX 2, Affidavit of Warden Willie Collins & DX 3, Affidavit of M.E. Brantley*). Stephens was booked in the Montgomery Municipal Jail on May 18, 2007 at 2:02 a.m. and went to Municipal Court later that same day. (*DX 2, Affidavit of Warden Willie Collins & DX 3, Affidavit of M.E. Brantley*).

Stephens made two phone calls at approximately 2:09 a.m. (*DX 4, Affidavit of Floyd Wilson*). Stephens was housed in temporary quarters, a recreation area that is used as a holding area. (*DX 2, Affidavit of Warden Willie Collins & DX 3, Affidavit of M.E. Brantley*). Stephens was given a mat to sleep on due to overcrowding within the jail. (*DX 2, Affidavit of Warden Willie Collins & DX 3, Affidavit of M.E. Brantley*).

In Municipal Court on May 18, 2007, Stephens' fines were commuted to serve 62 days in jail or in the alternative pay his fines and be released. (*DX 1, Montgomery Municipal Court Certified Records; DX 2, Affidavit of Warden Willie Collins & DX 3, Affidavit of M.E. Brantley*).

On May 19, 2007, Stephens' fines were paid and he was released at 22:49. (*DX 2, Affidavit of Warden Willie Collins & DX 3, Affidavit of M.E. Brantley*).

II. PROCEDURAL BACKGROUND

As previously stated Stephens was booked in the Montgomery Municipal Jail the morning of May 18, 2007 and released the evening of May 19, 2007. On May 29, 2007, Plaintiff James Stephens ("Stephens") filed a Petition with this Court and in the caption named as Defendants: City of Montgomery, W.R. Collins, and M.E. Brantley. (*Doc. 1*). Although Stephens makes various general complaints about overcrowding in the Montgomery Municipal Jail, Stephens made no claim for relief in his Petition. (*Doc. 1*). It appears that other inmates also signed Stephens' Petition. (*Doc. 1*).

On May 29, 2007, Stephens also filed several motions: a Motion for Discovery (*Doc. 3*), Motion to Appoint Attorney Glenda Hughes (*Doc. 4*), Motion for Speedy Hearing (*Doc. 5*), Motion for Recorded Deposition of Inmates at Montgomery City Jail (*Doc. 6*), Motion to Disclose Information Regarding Federal Inspection of Montgomery City Jail Federal Holding

Cells (*Doc. 7*), and a Motion to the Court to Disclose Fire Marshall's Inspection Reports (*Doc. 8*).

It appears that on May 31, 2007, Stephens filed a Motion to Produce Court Docket Records (*Doc. 9*), Motion to Produce Inmate Handbook (*Doc. 10*) as well as a Motion to Amend his Petition (*Doc. 11*). In the Amended Petition, Stephens contends that he is 100% disabled and seeks \$250,000.00 in punitive damages because his mental and physical conditions worsened while in the city jail. (*Doc. 11*).

On June 1, 2007, this Court granted Stephens' Motion to Amend and ordered named Defendants to file a written report and answer to Plaintiff's complaint. (*Doc. 13*).

III. DEFENDANT'S RESPONSE

A. ALLEGATIONS REGARDING OVERCROWDING AND CONDITIONS OF CONFINEMENT

Stephens has filed a Petition and Amended Petition with allegations regarding overcrowding conditions during his short confinement at the Montgomery Municipal Jail. While Stephens might have been placed in temporary housing while in jail, there is nothing to support that Stephens' general complaints indicate that he was subject to unconstitutional conditions of confinement. Additionally, the short term of Stephens' incarceration combined with the generalization of the allegations in his pleadings make his status as an inmate questionable, as to when the actions which form the basis of the complaint allegedly occurred. However, the applicable standard of review of his conditions of confinement, whether governed by the Due Process Clause of the Fourteenth Amendment or the Cruel and Unusual Punishment Clause of the Eighth Amendment, is a distinction without difference. For analytical purposes, there is no meaningful difference between the Fourteenth Amendment and the Eighth Amendment. *Belcher v. City of Foley*, 30 F.3d 1390, 1396 (11th Cir. 1994); *Hamm v. DeKalb County*, 774

F.2d 1567, 1574 (11th Cir. 1985); *Riley v. Dorton*, 115 F.3d 1159, 1166-67 (4th Cir.1997) (en banc). Even if Stephens were serving time in the Montgomery City Jail as a convicted prisoner, the standard of review for his claims are the same as the standard applied to him as a pretrial detainee. The standard for providing basic human needs to those incarcerated or in detention is the same under both the Eighth and Fourteenth Amendments. *See Hamm v. DeKalb County*, 774 F.2d 1567 (11th Cir. 1985); *Lancaster v. Monroe Cty.*, 116 F.3d 1419 (11th Cir.1997).

The general complaints in the Petition made by Stephens regarding overcrowding conditions at the Montgomery Municipal Jail:

- Overcrowded conditions in the federal annex gym; no way to exercise
- No telephone access except in the federal cells
- Unsanitary conditions due to too many people on gym floor; airborne coughing; lack of shower stalls and only one toilet
- Inmates not let out of their cells for long periods of time
- Personal hygiene products delayed in disbursement
- No law library
- No way to safely and quickly exit room in case of fire
- Inmates sleeping on bare floors

(*Doc. 1, pages 1 & 2*).

In the Amended Petition, Stephens specifically alleges that he was not allowed a phone call to receive his medications and that lack of essential medicine and sleeping on the floor has caused extreme difficulties in his everyday life and worsened his condition. (*Doc. 11, page 2*). Stephens demands punitive damages in the amount of \$250,000. (*Doc. 11, page 2*).

Defendants specifically deny that Stephens was denied a phone call or otherwise subjected to unconditional conditions of confinement.

Stephens was arrested and booked into the Montgomery Municipal Jail on May 18, 2007 for outstanding fines. (*DX 1, Montgomery Municipal Court Certified Records; DX 2, Affidavit of Warden Willie Collins & DX 3, Affidavit of M.E. Brantley*). Inmates in temporary housing due to overflow are provided a mat to sleep on. (*DX 2, Affidavit of Warden Willie Collins & DX 3, Affidavit of M.E. Brantley*).

Stephens went to Municipal Court later that day, May 18. His outstanding fines were commuted to serve 62 days if the fines were not paid. (*DX 1, Montgomery Municipal Court Certified Records; DX 2, Affidavit of Warden Willie Collins & DX 3, Affidavit of M.E. Brantley*). However Stephens was released on May 19. (*DX 2, Affidavit of Warden Willie Collins & DX 3, Affidavit of M.E. Brantley*). Therefore Defendants contend that Stephens' claims are moot.

Defendants submit that Stephens cannot succeed on his claim of unconstitutional conditions of confinement. There is nothing to support that Stephens was not provided with the basic human needs during his confinement. A prison official has a duty to provide humane conditions of confinement and must ensure that inmates receive adequate food, clothing, shelter, and medical care. *See Farmer v. Brennan*, 511 U.S. 825 (1994).

Stephens complains that there was no law library. The First Amendment grants prisoners a limited constitutional right of access to the courts. *Bounds v. Smith*, 430 U.S. 817, 821, 97 S.Ct. 1491, 1494, 52 L.Ed.2d 72 (1977). Stephens was not denied access to the courts. (*DX 1, Montgomery Municipal Court Certified Records; DX 2, Affidavit of Warden Willie Collins & DX 3, Affidavit of M.E. Brantley*). Stephens went to municipal court later the same day that he was arrested. (*DX 1, Montgomery Municipal Court Certified Records; DX 2, Affidavit of Warden*

Willie Collins & DX 3, Affidavit of M.E. Brantley). An inmate alleging lack of access to the courts must show actual injury, i.e., that the lack of access has hindered his efforts to pursue a legal claim. *Lewis v. Casey*, 518 U.S. 343, 116 S. Ct. 2174, 135 L.Ed. (1996). Stephens was in the Municipal Jail less than 48 hours.

There is nothing to indicate that Stephens made a request to Defendants to make a phone call to receive medication. (*DX 2, Affidavit of Warden Willie Collins & DX 3, Affidavit of M.E. Brantley*). The Montgomery Municipal Jail allows inmates to call for medications that are needed during their incarceration. *DX 2, Affidavit of Warden Willie Collins & DX 3, Affidavit of M.E. Brantley*). However Stephens did make two phone calls on May 18th at 2:09 to numbers 241-7107 and 265-7034. (*DX 2, Affidavit of Warden Willie Collins & DX 4, Affidavit of F.W. Wilson*).

Montgomery Municipal Jail has telephones in the permanent housing area. (*DX 2, Affidavit of Warden Willie Collins & DX 4, Affidavit of F.W. Wilson*). Stephens was housed in temporary housing in the annex recreations area. (*DX 2, Affidavit of Warden Willie Collins & DX 3, Affidavit of M.E. Brantley*). When inmates are housed in the overflow area they are allowed to make calls when the inmates in the permanent housing areas are placed in lock-up status. (*DX 2, Affidavit of Warden Willie Collins & DX 4, Affidavit of F.W. Wilson*). The annex recreation area is used as the temporary holding area when crowding exists. (*DX 2, Affidavit of Warden Willie Collins & DX 4, Affidavit of F.W. Wilson*).

The housing of inmates in the temporary holding area or temporary quarters is an emergency procedure that is put into place when there is an overflow or crowding exists within the Montgomery Municipal Jail. (*DX 2, Affidavit of Warden Willie Collins & DX 3, Affidavit of M.E. Brantley*) The area has one toilet and is not equipped with showers. (*DX 2, Affidavit of*

Warden Willie Collins & DX 3, Affidavit of M.E. Brantley). Inmates are processed to adjoining pods to make phone calls and receive showers. *(DX 2, Affidavit of Warden Willie Collins & DX 3, Affidavit of M.E. Brantley)*.

Hygiene packets are available in the Montgomery Municipal Jail. *(DX 2, Affidavit of Warden Willie Collins & DX 3, Affidavit of M.E. Brantley)*. Soap and tissue are issued every other night and towels are issued daily. *(DX 2, Affidavit of Warden Willie Collins & DX 3, Affidavit of M.E. Brantley)*. Inmates are allowed to shave on a regular basis. *(DX 2, Affidavit of Warden Willie Collins & DX 3, Affidavit of M.E. Brantley)*.

All emergency exits are within the required standards based on fire inspections and emergency plans for the Montgomery Municipal Jail. *(DX 2, Affidavit of Warden Willie Collins & DX 3, Affidavit of M.E. Brantley)*.

The Eleventh Circuit has held that “in regard to providing pretrial detainees with such basic necessities as food, living space, and medical care, the minimum standard allowed by the due process clause is the same as that allowed by the Eighth Amendment for convicted persons.” *Hamm v. DeKalb County*, 774 F.2d 1567 (11th Cir. 1985).

To demonstrate an Eighth Amendment violation by reference to conditions of confinement, a prisoner must satisfy both an objective and a subjective inquiry. *Farmer*, 511 U.S. at 834. The objective component requires an inmate to prove that he was denied the “minimal civilized measure of life’s necessities.” *Id.* The subjective component requires a prisoner to prove that the prison official acted with “deliberate indifference” in disregarding that risk. *Farmer*, 511 U.S. at 834, 837.

Stephens cannot show that he was denied the “minimal civilized measure of life’s necessities” during his confinement at the Municipal Jail and his claims against Defendants are due to be dismissed in its entirety.

B. QUALIFIED IMMUNITY

Stephens has not identified any specific claims regarding action by Defendants Collins and Brantley nor any other correction officer in the Montgomery Municipal Jail. Collins and Brantley are merely named in the caption and identified as the Warden and Assistant Warden. An official-capacity suit is, “in all respects other than name, to be treated as a suit against the entity [of which the defendant is an agent].” *Kentucky v. Graham*, 473 U.S. 159, 166, 105 S.Ct. 3099, 3105 (1985).

Additionally, Collins and Brantley would be entitled to qualified immunity regarding claims against them in their individual capacities. Stephens has failed to argue any actions of the individual named Defendants that would preclude them from qualified immunity. Defendants Collins and Brantley are entitled to qualified immunity in the present case. Qualified immunity protects government officials acting within their discretionary authority from liability from civil trials and from liability “insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known.” *Harlow v. Fitzgerald*, 457 U.S. 800, 818, 102 S. Ct. 2727, 2738 (1982).

Qualified immunity is an affirmative defense to an action pursuant to section 1983 against a government official sued in his or her individual capacity. *See Wilson v. Strong*, 156 F.3d 1131, 1135 (11th Cir.1998). Under the doctrine of qualified immunity, “government officials performing discretionary functions generally are shielded from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional

rights of which a reasonable person should have known." *Harlow v. Fitzgerald*, 457 U.S. 800, 818, 102 S.Ct. 2727, 73 L.Ed.2d 396 (1982); *see also Rich v. Dollar*, 841 F.2d 1558, 1563 (11th Cir.1988). Qualified immunity protects "all but the plainly incompetent or those who knowingly violate the law." *Malley v. Briggs*, 475 U.S. 335, 341, 106 S.Ct. 1092, 89 L.Ed.2d 271 (1986).

In order to receive qualified immunity, a public official "must first prove that he was acting within the scope of his discretionary authority when the allegedly wrongful acts occurred." *Lee v. Ferraro*, 284 F. 3d 1188, 1194 (11th Cir. 2002). It is undisputed that Defendants Collins and Brantley are named in the caption but there are no allegations against them in their individual capacity therefore Defendants have met the first requirement to be entitled to qualified immunity. Having established the first requirement, the burden shifts to the Plaintiff to prove that qualified immunity is not warranted. *Id.* First "the defendant government official must prove that 'he was acting within the scope of his discretionary authority when the allegedly wrongful acts occurred.'" *Sammons v. Taylor*, 967 F. 2d 1533, 1539 (11th Cir. 1992). "Then the burden shifts to the plaintiff to demonstrate that the defendant 'violated clearly established constitutional law.'" *Id.*

Once the qualified immunity defense is raised, the plaintiff bears the burden of showing that the federal "rights" allegedly violated were "clearly established." *Barts v. Joyner*, 865 F. 2d 1187, 1190 (11th Cir. 1989), citing *Mitchell v. Forsyth*, 472 U.S. 511, 528, 105 S. Ct. 2806, 2816, 86 L. Ed. 2d 411 (1985). For the law to be clearly established to the point that qualified immunity does not apply, it must have earlier been developed in such a concrete and factually defined contest as to make it obvious to all reasonable government actors, in the defendant's place that "what he is doing" violated federal law. *Anderson v. Creighton*, 483 U.S. 635, 640, 107 S. Ct. 3034, 3039, 97 L. Ed. 523 (1987).

“For qualified immunity to be surrendered, pre-existing law must dictate, that is, truly compel... the conclusion for every like-situated, reasonable government agent that what the defendant is doing violates Federal law in the circumstances.” *Lassiter v. Alabama A & M University*, 28 F. 3d 1146, 1150 (11th Cir. 1994) (emphasis in original).

Also, the Eleventh Circuit has held, “When the qualified immunity defense has been raised, an opposing plaintiff must convince the court that the law clearly established that ‘the defendant’s conduct in the circumstances amounted to ‘deliberate indifference.’” *Hill v. DeKalb Regional Youth Detention Center*, 40 F.3d 1176, 1185 (11th Cir. 1994) (quoting *Edwards v. Gilbert*, 867 F.2d 1271, 1275 (11th Cir. 1989)).

C. 42 U.S.C.A. §1983 MUNICIPAL LIABILITY

For civil rights liability pursuant to 42 U.S.C. § 1983 to attach to a municipality, it must be shown that the municipal official or employee caused the deprivation of one's constitutional rights by acting pursuant to official governmental policy. Additionally, Stephens has not submitted evidence that any final policymaker of the City acted with an unconstitutional motive. Merely using the words “policy” or “custom” or “unconstitutional” in the allegation is not sufficient to state a claim under 42 U.S.C. § 1983. *See Monnell v. Dept. of Social Services*, 436 U.S. 658 (1978).

Stephens has only made conclusory allegations in an effort to try to make the City liable. Conclusory allegations cannot interpose genuine issues of material fact into the litigation so as to preclude entry of summary judgment. *Fed.Rules Civ.Proc.*Rule 56(c).

A municipality is liable only for its own wrongs and cannot be liable under the theory of respondeat superior. Stephens may not base claims against the City on respondeat superior or vicarious liability; rather, he must show an official policy or custom of the City directly caused

the alleged injury to him. A governing entity cannot be held liable in an action brought pursuant to 42 U.S.C.A. § 1983 under a theory of respondeat superior. *Monell v. Department of Social Services of New York City*, 436 U.S. 658, 694 (1978).

In *Monell*, the Supreme Court held that municipalities cannot be liable under §1983 on the theory of respondeat superior, but rather, can be liable under that statute only if they maintain unconstitutional or illegal policies or customs; absent unconstitutional or illegal policies or customs, municipalities and their officials may not be sued for the acts of their employees. Moreover, a plaintiff must show that an official policy was the reason behind the alleged constitutional deprivation. *Farred v. Hicks*, 915 F. 2d 1530 (11th Cir. 1990).

A local government agency or its officials “may only be liable under §1983 if an action pursuant to official policy of some nature caused a constitutional tort.” *Church v. City of Huntsville*, 30 F. 3d 1332, 1342 (11th Cir. 1994); *Dowdell v. Chapman*, 730 F. Supp. 533, 545 (M.D. Ala. 1996) (causal link must be established between official policy and custom and plaintiff’s injury). It is only when execution of municipal policy or custom inflicts constitutional injury that the municipality or its official policymakers are responsible under §1983. *Monell v. New York Dept. of Social Services*, *supra* at 694. Stephens must show the official policy or custom was the reason behind the alleged constitutional deprivation. *Farred v. Hicks*, *supra*.

In some situations a municipality or its officials may be subject to §1983 liability for “constitutional deprivations visited pursuant to governmental ‘custom’ even though such a custom has not received formal approval from the bodies of official decision making channels.” *Monell v. New York Dept. of Social Services*, *supra* at 690-91. Such liability requires that the Plaintiff provide evidence that establishes “a widespread practice that, ‘although not authorized by written law or express municipal policy is so permanent and well settled as to constitute a

‘custom or usage’ with the force of law.’” *St. Louis v. Praprotnik*, 485 U.S. 112, 127 (1988). Stated differently, “a longstanding and widespread practice is deemed authorized by the policymaking officials because they must have known about it but failed to stop it.” *Brown v. City of Ft. Lauderdale*, 923 F. 2d 1474, 1481 (11th Cir. 1991). In such circumstances, however, “considerably more proof than [a] single incident will be necessary” to establish liability. *Oklahoma City v. Tuttle*, 471 U.S. 808, 834 (1985).

A governmental entity can only be held responsible under §1983 for the unauthorized actions of its employees when its final decision makers participated in a policy or custom which resulted in a constitutional violation or a governmental entity can be held liable under §1983 when constitutional violations arise from “custom”, even though the custom is not the product of a formal adoption by the municipal policy making authorities. *Monell*, 436 U.S. 658, 690-691.

In the present case, Stephens cannot succeed on a claim of a practice or custom regarding unconstitutional conditions of confinement that would make the City of Montgomery liable under 42 U.S.C. § 1983.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Defendants aver that the Complaint fails to state any cause of action upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Defendants deny that Plaintiff is entitled to any relief.

THIRD AFFIRMATIVE DEFENSE

Defendants plead the general issue.

FOURTH AFFIRMATIVE DEFENSE

Defendants deny all allegations not specifically admitted and demands strict proof thereof.

FIFTH AFFIRMATIVE DEFENSE

Any state law claims made by Plaintiff are due to be dismissed in that no intentional tort claims are viable against a municipality.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff has failed to state injuries or damages caused by Defendants.

SEVENTH AFFIRMATIVE DEFENSE

Defendants deny that it had policies or customs depriving Plaintiff of any constitutional rights.

EIGHTH AFFIRMATIVE DEFENSE

Defendants plead immunity. Defendants plead that Plaintiff's Complaint and Amended Complaints are insufficient to apprise Defendants of the civil crimes or wrongs for which the Plaintiff seeks damages such that the Defendants cannot properly and reasonably defend themselves.

NINTH AFFIRMATIVE DEFENSE

Defendants plead discretionary function immunity §6-5-338 Ala. Code (1975).

TENTH AFFIRMATIVE DEFENSE

Defendants plead the affirmative defense of qualified immunity.

ELEVENTH AFFIRMATIVE DEFENSE

The award of punitive damages would not be proper, appropriate or constitutional.

TWELFTH AFFIRMATIVE DEFENSE

Defendants plead the doctrine of unclean hands.

THIRTEENTH AFFIRMATIVE DEFENSE

The claims made by Plaintiff against Defendants are completely without merit and should be dismissed as frivolous pursuant to 28 U.S.C. § 1915(e) (2) (B) (i).

FOURTEENTH AFFIRMATIVE DEFENSE

Defendants aver that Plaintiff's allegations of injury are of *de minimus* injury.

FIFTEENTH AFFIRMATIVE DEFENSE

Defendants aver that Plaintiff has failed to comply with the statutory requirements of §11-47-23 and §11-47-192, *Ala. Code* (1975, as amended) prior to filing suit.

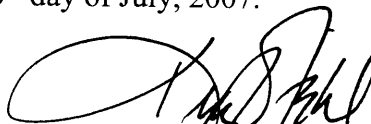
SIXTEENTH AFFIRMATIVE DEFENSE

Defendants aver that there exists no direct action under 42 U.S.C. § 1983 under which Defendants can be liable, and Plaintiff's purported 42 U.S.C. § 1983 claim is due to be dismissed.

RESERVATION OF DEFENSES

The Defendant reserves the right to plead additional defenses as they become known in the course of discovery.

Respectfully submitted this the 10th day of July, 2007.

A handwritten signature in black ink, appearing to read 'Kimberly O. Fehl', is written over a horizontal line.

/s/Kimberly O. Fehl
Kimberly O. Fehl (FEH001)

OF COUNSEL:

City of Montgomery
Legal Department
103 N. Perry St.
Montgomery, AL 36104
334.241.2050
FAX 334.241.2310

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following by placing a copy thereof in the United States Mail, postage prepaid and properly addressed on this the 10th day of July, 2007:

James A. Stephens III
2642 East Cotton Road
Eclectic, Alabama 36024

A handwritten signature in black ink, appearing to read 'Kimberly O. Fehl', is written over a horizontal line.

/s/ Kimberly O. Fehl
Of Counsel

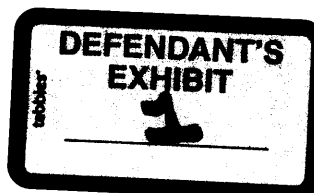
ALABAMA, COUNTY OF		CO. CITY	TICKET NUMBER
MONTGOMERY		0303	M 7986343
The undersigned, being duly sworn, deposes and says that he/she has probable cause to believe and does believe that the person herein named did, within the previous 12 months, commit the offense set forth contrary to law in that: on or about			TYPE VEHICLE <input type="checkbox"/> Commercial <input type="checkbox"/> Haz-Mat Involved <input type="checkbox"/> Other <input checked="" type="checkbox"/> Private
Month Day Year At Time			Approx. 0315 PM
First Name		Middle/Maiden	Last
JAMES		ARTHUR	STEPHENS
Address			
2446 E. LOTTON RD			
City		State	Zip Code
ELLICOTT		AL	36024
State	Driver's License Number		Class of License
AL	3689722		A
Sex	Race	DOB	Social Security Number
M	W	11/24/57	419-900458
Hgt.	Wgt.	Eyes	Hair
6'2"	160	BLU	BRN
Vehicle Tag Number		State	Year
290961P		AL	05
Vehicle Description		Owner of Vehicle	
BLACK EL CAMINO		<input checked="" type="checkbox"/> Driver <input type="checkbox"/> Employer <input type="checkbox"/> Other	
Employer/Owner of Vehicle (Address)			
-			
<input checked="" type="checkbox"/> Did unlawfully operate a motor vehicle, other vehicle, or <input type="checkbox"/> otherwise unlawfully use a public street, road, highway or other place, at or near <u>WIBWO/ELLS</u> , within the <input checked="" type="checkbox"/> city limits or <input type="checkbox"/> police jurisdiction of <u>MONTGOMERY</u> , or <input type="checkbox"/> within _____ County, at or near the following location _____ in violation of <input type="checkbox"/> Section _____ Code of Alabama 1975.			
<input type="checkbox"/> or Rule/Regulation number (or) <input type="checkbox"/> Municipal Ordinance No. <u>25-525</u> adopted and in force at the time the offense was committed, (if applicable) <input type="checkbox"/> adopting Section _____ Code 1975, more particularly described below:			
CHECK THE APPROPRIATE BLOCK:			
1 <input type="checkbox"/> Speeding _____ MPH _____ Speed Limit 2 <input type="checkbox"/> Reckless Driving 3 <input type="checkbox"/> Driving Without First Obtaining a Driver's License 4 <input type="checkbox"/> There was .08% or More By Weight of Alcohol in His/Her Blood 4 <input type="checkbox"/> Under the Influence of Alcohol 5 <input type="checkbox"/> Under the Influence of Controlled Substance 71 <input type="checkbox"/> Under the Combined Influence of Alcohol and Controlled Substance 72 <input type="checkbox"/> Under the Influence of any Substance which Impairs the Mental or Physical Faculties 6 <input type="checkbox"/> Failure to Yield Right of Way <input type="checkbox"/> Other Violation (Specify) _____			
7 <input type="checkbox"/> Driving While Revoked 8 <input type="checkbox"/> Driving While Suspended 10 <input type="checkbox"/> Running Red Light 33 <input type="checkbox"/> Improper Equipment (Specify) _____ 44 <input type="checkbox"/> Improper Passing 28 <input type="checkbox"/> Improper Tag (Specify) _____ 29 <input type="checkbox"/> Improper Turn 42 <input type="checkbox"/> Overweight Vehicle 61 <input type="checkbox"/> Child Restraint Violation 77 <input type="checkbox"/> Seat Belt Violation			

FACTS RELATING TO THE OFFENSE: (Witnesses, etc)		<input type="checkbox"/> Companion Case (Traffic, Non-Traffic, Felony, Other) <input type="checkbox"/> Accident Involved	
Complainant's Signature <u>L.H. FORBES</u>		Officer ID <u>1737</u>	Agency ORI <u>AL 0030107</u>
Verified and Acknowledged before me this date (Circle Title) Judge/Magistrate <u>6.5.07</u>			
<input checked="" type="checkbox"/> Municipal			
COURT APPEARANCE INFORMATION			
<input type="checkbox"/> District Court		Phone <u>374 241-2776</u>	
Court Appearance Date	Time	Court Address	
<u>9-28-05</u>	<u>0830</u>	<u>320 JEFFERSON ST</u>	
I Promise to appear in court at said time and place or otherwise comply with the provisions of this complaint and instructions of the notice part of this ticket.			
Defendant's Signature <u>James Stephens</u>		Phone ()	
<input type="checkbox"/> Released on Own Recognizance		<input type="checkbox"/> Driver's License Posted in Lieu of Bond	

COMPLAINT AND AFFIDAVIT

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL DOCUMENT ON FILE IN THE MONTGOMERY MUNICIPAL COURT

PATRICK J. MURPHY
CLERK OF THE
MONTGOMERY MUNICIPAL COURT

DATE 6-26-07

NAME

STEPHENS

CASE #

TICKET # M 7986343

Court O.R.I.		COURT RECORD		COURT CASE	
AL		YEAR		NUMBER	
<input type="checkbox"/> MUNICIPAL COURT OR <input type="checkbox"/> DISTRICT COURT OF		COUNTY	TICKET NUMBER M 7986343		
DEFENDANT'S NAME		CHARGE			
CONTINUED TO		M	D	Y	REASON
2ND CONTINUANCE		M	D	Y	REASON
UTC-6A MAILED		NEW COURT DATE		UTC-6B ISSUED	
M	D	Y	M	D	Y
WARRANT ISSUED		BOND SET \$		WARRANT SERVED	
M	D	Y	CASH	M	D
		DEPOSITED \$		WARRANT RECALLED	
				M	D
CONDITIONAL BOND FORFEITURE ORDER ISSUED		M	D	Y	BOND FORFEITURE ORDERED FINAL
ATTORNEY FOR DEFENDANT		CHECK IF APPLICABLE			
		<input type="checkbox"/> Defendant informed of right to counsel <input type="checkbox"/> Defendant found indigent, counsel appointed			
PLEA OF DEFENDANT (CHECK ONE)					
1 <input type="checkbox"/> Guilty as charged 2 <input type="checkbox"/> Guilty of					
ADJUDICATION (CHECK ONE)					
3 <input type="checkbox"/> Guilty of 4 <input type="checkbox"/> Not guilty 5 <input type="checkbox"/> Dismissed					
ORDERS OF THE COURT					
FINE \$		COURT COSTS \$		TOTAL FINE AND COURT COSTS \$	
ADDITIONAL PENALTIES / FEES / COSTS					
HEAD INJURY DUI \$		CRIMINAL HISTORY DUI \$10.00		CRIME-VICTIMS (DUI/RECKLESS DRIVING) MISDEMEANOR (MINIMUM \$25.00) \$	
HOUSING & MAINTENANCE \$		MEDICAL \$		ATTORNEY RECOUPMENT \$	
<input type="checkbox"/> JAILED		M		D	
		Y		REASON	
<input type="checkbox"/> SENTENCE SUSPENDED		DAYS		MONTHS	
<input type="checkbox"/> TRAFFIC SAFETY PROGRAM		M		D	
		Y		REASON	
COURT ORDERED LICENSE SUSPENSION		CONSECUTIVE		LICENSE SURRENDERED TO COURT	
DAYS		MOS.		M	
				D	
				Y	
CONFIDENTIAL: <input type="checkbox"/> NO - <input type="checkbox"/> IF YES: <input type="checkbox"/> Juvenile <input type="checkbox"/> Youthful Offender					
MAY 2007					
COMMUTE TO DAYS					
DISPOSITION DATE 2005					
SIGNATURE OF JUDGE/CLERK					
DATE 5/21/2007 TIME 11:52:37					
REV STIN: DAYDESKI RECPT#: 410857					
CASE APPEALED		APPEAL BOND		COURT COURT CASE NUMBER	
M	D	Y			
MONTGOMERY MUNICIPAL COURT					
ARRESTING AGENCY (TYPE OF ARREST) <input type="checkbox"/> STATE <input type="checkbox"/> COUNTY <input type="checkbox"/> MUNICIPAL					
CASH RECEIVED FROM		RECEIPT #		AMOUNT \$	
NAME AND TITLE				DATE M D Y	
LICENSE ATTACHED: <input type="checkbox"/> YES <input type="checkbox"/> NO DPS RECEIVED LICENSE <input type="checkbox"/> YES <input type="checkbox"/> NO					

COURT ACTION AND DISPOSITION

ALABAMA, COUNTY OF		CO.	CITY	TICKET NUMBER	YEAR	NUMBER
MONTGOMERY		03	03	M 7986357		
The undersigned, being duly sworn, deposes and says that he/she has probable cause to believe and does believe that the person herein named did, within the previous 12 months, commit the offense set forth contrary to law in that: on or about <u>06/11/05</u> At <u>06:15</u> Time <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM <input type="checkbox"/> MT						
First Name		Middle/Maiden		Last		
JAMES		ARTHUR		STEPHENS		
Address		Street				
2446 E		LOTTON RD				
City		State		Zip Code		
MONTGOMERY		AL		36024		
State		Driver's License Number		Class of License		
AL		3649722		P		
Sex	Race	DOB	M	D	Y	Social Security Number
M	W	11/24/57				419-90-0458
Hgt.	Wgt.	Eyes	Hair	Vehicle Tag Number		State
6'2"	160	Blu	Brn	29D961P		AL
Vehicle Description		Owner of Vehicle <input checked="" type="checkbox"/> Driver <input type="checkbox"/> Employer <input type="checkbox"/> Other				
BLACK CLC 2000						
Employer/Owner of Vehicle (Address)						
<input checked="" type="checkbox"/> Did unlawfully operate a motor vehicle, other vehicle, or <input type="checkbox"/> other use a public street, road, highway or other place, at or near <u>MOBILE HWY (ALC 90/30)</u> within the <input checked="" type="checkbox"/> city limits, or <input type="checkbox"/> police jurisdiction of <u>MONTGOMERY</u> , or <input type="checkbox"/> within <u>DECATUR</u> County, at or near the following location <u>in violation of Section 32-5-34</u> Code of Alabama 1975,						
<input type="checkbox"/> or Rule/Regulation number (or) <input checked="" type="checkbox"/> Municipal Ordinance No. <u>25-79</u> adopted and in force at the time the offense was committed, (if applicable) <input checked="" type="checkbox"/> adopting Section <u>32-5-34</u> Code 1975, more particularly described below:						
CHECK THE APPROPRIATE BLOCK:						
1 <input type="checkbox"/> Speeding _____ MPH _____ Speed Limit 2 <input type="checkbox"/> Reckless Driving 3 <input type="checkbox"/> Driving Without First Obtaining a Driver's License 4 <input type="checkbox"/> There was .08% or More By Weight of Alcohol in his/her Blood 5 <input type="checkbox"/> Under the Influence of Alcohol 71 <input type="checkbox"/> Under the Combined Influence of Alcohol and Controlled Substance 72 <input type="checkbox"/> Under the Influence of any Substance which Impairs the Mental or Physical Faculties 6 <input type="checkbox"/> Failure to Yield Right of Way <input type="checkbox"/> Other Violation (Specify) _____						
7 <input type="checkbox"/> Driving While Revoked 8 <input type="checkbox"/> Driving While Suspended 10 <input type="checkbox"/> Running Red Light 13 <input type="checkbox"/> Improper Equipment (Specify) _____ 14 <input type="checkbox"/> Improper Passing 28 <input type="checkbox"/> Improper Tag (Specify) _____ 29 <input type="checkbox"/> Improper Turn 42 <input type="checkbox"/> Overweight Vehicle 61 <input type="checkbox"/> Child Restraint Violation 77 <input checked="" type="checkbox"/> Seat Belt Violation						
FACTS RELATING TO THE OFFENSE: (Witnesses, etc)						
<input type="checkbox"/> Companion Case (Traffic, Non-Traffic, Felony, Other) <input type="checkbox"/> Accident Involved						
Complainant's Signature				Officer ID	Agency ORI	
C. H. FORAN				1337	AL 0270100	
Verified and Acknowledged before me this date _____ (Circle Title) Judge/Magistrate						
<input checked="" type="checkbox"/> Municipal <input type="checkbox"/> District Court						
COURT APPEARANCE INFORMATION						
Court Appearance Date		Time		Phone		
9-28-05		10:30		(774) 241-2776		
Court Address		Phone				
320 N. 1st St.		(774) 241-2776				
I Promise to appear in court at said time and place or otherwise comply with the provisions of this complaint and instructions of the notice part of this ticket.						
Defendant's Signature				Phone		
[Signature]				(774) 241-2776		
<input type="checkbox"/> Released on Own Recognizance <input type="checkbox"/> Driver's license Forfeited in Lieu of Bond						

COMPLAINT AND AFFIDAVIT

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL DOCUMENT ON FILE IN THE MONTGOMERY MUNICIPAL COURT

PATRICK J. MURPHY
CLERK OF THE
MONTGOMERY MUNICIPAL COURT

DATE 6-26-07

NAME

TICKET # M 7986357

COURT RECORD		COURT CASE NO. 12-12-12	
<input type="checkbox"/> MUNICIPAL COURT <input type="checkbox"/> DISTRICT COURT OF		TICKET NUMBER M 7986357	
DEFENDANT'S NAME		CHARGE	
CONTINUED TO	M D Y	REASON	
2ND CONTINUANCE	M D Y	REASON	
UTC-6A MAILED	M D Y	NEW COURT DATE	UTC-6B ISSUED
WARRANT ISSUED	M D Y	BOND SET \$	WARRANT SERVED
CONDITIONAL BOND FORFEITURE ORDER ISSUED	M D Y	CASH DEPOSITED \$	WARRANT RECALLED
ATTORNEY FOR DEFENDANT	CHECK IF APPLICABLE		DEFENDANT INFORMED OF RIGHT TO COUNSEL
PLEA OF DEFENDANT (CHECK ONE)	1 <input checked="" type="checkbox"/> Guilty as charged		2 <input type="checkbox"/> Guilty of
ADJUDICATION (CHECK ONE)	3 <input type="checkbox"/> Guilty of		4 <input type="checkbox"/> Not guilty
ORDERS OF THE COURT			
FINE \$	COURT COSTS \$	TOTAL FINE AND COURT COSTS \$	
ADDITIONAL PENALTIES / FEES / COSTS			
HEAD INJURY DUI	CRIMINAL HISTORY DUI	CRIME VICTIMS (DUI/RECKLESS DRIVING) MISDEMEANOR	
HOUSING & MAINTENANCE	MEDICAL	ATTORNEY RECOUPMENT	RESTITUTION
SENTENCE SUSPENDED	PROBATION	COMMUNITY SERVICE	PARTIAL PAYMENTS AUTHORIZED FOR
TRAFFIC SAFETY PROGRAM	SUBSTANCE ABUSE EVALUATION	REFERRAL PROGRAM	LICENSE SURRENDERED TO COURT
COURT ORDERED LICENSE SUSPENSION	CONSECUTIVE	CONCURRENT	RECEIVED BY
CONFIDENTIAL: <input type="checkbox"/> NO	IF YES: <input type="checkbox"/> Juvenile <input type="checkbox"/> Youthful Offender		
MAY 2006 COMMUTE TO DAYS			
DISPOSITION DATE	SIGNATURE OF JUDGE	DATE	TIME
JAN 1 2006	REV. STINA PRYDESKA	5/21/2007	11:53:19
CASE APPEALED	APPEAL BOND	CIRCUIT COURT CASE NUMBER	410858
ARRESTING AGENCY (TYPE OF ARREST)	STATE	COUNTY	MONTGOMERY MUNICIPAL COURT
CASH RECEIVED	AMOUNT	DATE	M D Y
LICENSE ATTACHED: <input type="checkbox"/> YES <input type="checkbox"/> NO			

COURT ACTION AND DISPOSITION

COUNTY OF MONTGOMERY		CO. 03	CITY 03	TICKET NUMBER M 8842889
I, undersigned, being duly sworn, deposes and says that he/she has probable cause to believe and does believe that the person herein named did, within the previous 12 months, commit the offense set forth contrary to law in that: on or about 04/19/05 at 1811 PM				
First Name JAMES		Middle/Maiden ARTHUR		Last STEPHENS III
Address 2446 EAST COTTON RD				
City ECLECTIC		State AL		Zip Code 36024
State AL		Driver's License Number 3689722		Class of License D
Sex M	Race B	Social Security Number 1857		Drivers License in Possession X Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Hgt. 6'2"	Wgt. 160	Eyes BLU	Hair BRN	Vehicle Tag Number 29D941P State AL Year 05
Vehicle Description EL CAMINO 2D BLK			Owner of Vehicle X Driver <input checked="" type="checkbox"/> Employer <input type="checkbox"/> Other <input type="checkbox"/>	
Employer/Owner of Vehicle (Address)				
<input checked="" type="checkbox"/> Did unlawfully operate a motor vehicle, other vehicle, or otherwise unlawfully use a public street, road, highway or other place, at or near 900 W. SOUTH BLVD within the <input checked="" type="checkbox"/> city limits or <input type="checkbox"/> police jurisdiction of MONTGOMERY , or <input type="checkbox"/> within _____ County, at or near the following location _____ in violation of <input type="checkbox"/> Section _____ Code of Alabama 1975,				
<input type="checkbox"/> or Rule/Regulation number (or Municipal Ordinance No. 125.79 duly adopted and in force at the time the offense was committed, (if applicable) <input checked="" type="checkbox"/> adopting Section 32-54-133 Code 1975, more particularly described below:				
CHECK THE APPROPRIATE BLOCK:				
1 <input type="checkbox"/> Speeding _____ MPH _____ Speed Limit 2 <input type="checkbox"/> Reckless Driving 3 <input type="checkbox"/> Driving Without First Obtaining a Driver's License 4 <input type="checkbox"/> There was .08% or More By Weight of Alcohol in His/Her Blood 5 <input type="checkbox"/> Under the Influence of Alcohol 6 <input type="checkbox"/> Under the Influence of any Substance which Impairs the Mental or Physical Faculties 7 <input type="checkbox"/> Failure to Yield Right of Way 8 <input type="checkbox"/> Driving While Revoked 9 <input type="checkbox"/> Driving While Suspended 10 <input type="checkbox"/> Running Red Light 11 <input type="checkbox"/> Improper Equipment (Specify) _____ 12 <input type="checkbox"/> Improper Passing 13 <input type="checkbox"/> Improper Tag (Specify) _____ 14 <input type="checkbox"/> Improper Turn 15 <input type="checkbox"/> Overweight Vehicle 16 <input type="checkbox"/> Child Restraint Violation 17 <input type="checkbox"/> Seat Belt Violation 18 <input checked="" type="checkbox"/> Other Violation (Specify) FAILURE TO SIGNAL				
FACTS RELATING TO THE OFFENSE: <input type="checkbox"/> Companion Case (Traffic, Non-Traffic, Felony, Other) <input type="checkbox"/> Accident Involved (Witnesses, etc)				
Complainant's Signature [Signature]		Officer ID 1446 Agency ORI AL 8030100		
Verified and Acknowledged before me this date 04/19/05 (Circle Title) Judge/Magistrate [Signature]		M 04 D 19 Y 05		
<input checked="" type="checkbox"/> Municipal <input type="checkbox"/> District Court		COURT APPEARANCE INFORMATION Phone () 241 2445		
Court Appearance Date 9-28-05	Time 11:30 AM	Court Address 320 N RIPLEY		
I Promise to appear in court at said time and place or otherwise comply with the provisions of this complaint and instructions of the notice part of this ticket.				
Defendant's Signature [Signature]		Phone ()		
<input type="checkbox"/> Released on Own Recognizance <input type="checkbox"/> Driver's License Posted in Lieu of Bond				

COMPLAINT AND AFFIDAVIT

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL DOCUMENT ON FILE IN THE MONTGOMERY MUNICIPAL COURT

Patrick J. Murphy
PATRICK J. MURPHY
CLERK OF THE
MONTGOMERY MUNICIPAL COURT

DATE **6-26-07**

NAME

TICKET # **M 8842889**
CASE #

AL		COUNTY		TICKET NUMBER M 8842889	
<input type="checkbox"/> MUNICIPAL COURT OR <input type="checkbox"/> DISTRICT COURT OF		DEFENDANT'S NAME		CHARGE	
CONTINUED TO		REASON			
2ND CONTINUANCE		REASON			
UTC-6A MAILED		NEW COURT DATE		UTC-6B ISSUED	
M D Y		M D Y		M D Y	
WARRANT ISSUED		BOND SET \$		WARRANT SERVED	
M D Y		CASH		M D Y	
		DEPOSITED \$		WARRANT RECALLED	
				M D Y	
CONDITIONAL BOND FORFEITURE ORDER ISSUED		BOND-FORFEITURE ORDERED FINAL			
ATTORNEY FOR DEFENDANT		CHECK IF APPLICABLE		<input type="checkbox"/> Defendant informed of right to counsel <input type="checkbox"/> Defendant found indigent, counsel appointed <input type="checkbox"/> Voluntarily waived counsel	
PLEA OF DEFENDANT (CHECK ONE)					
1 <input type="checkbox"/> Guilty as charged 2 <input type="checkbox"/> Guilty of 3 <input type="checkbox"/> Not guilty					
ADJUDICATION (CHECK ONE)					
1 <input type="checkbox"/> Guilty as charged 2 <input type="checkbox"/> Not guilty 3 <input type="checkbox"/> Not pressed 4 <input type="checkbox"/> Dismissed					
ORDERS OF THE COURT					
FINE \$ 20		COURT COSTS \$ 0.00		TOTAL FINE AND COURT COSTS \$ 20.00	
ADDITIONAL PENALTIES / FEES / COSTS					
HEAD INJURY DUI \$		CRIMINAL HISTORY DUI \$10.00		CRIME VICTIMS (DUI/RECKLESS DRIVING) MISDEMEANOR (MINIMUM \$25.00) \$	
HOUSING & MAINTENANCE \$		MEDICAL \$		ATTORNEY RECOUPMENT \$	
RESTITUTION \$		PARTIAL PAYMENTS AUTHORIZED FOR \$		LOCATION	
<input type="checkbox"/> JAILED M D Y		DAYS RELEASED <input type="checkbox"/> M D Y		22	
<input type="checkbox"/> SENTENCE SUSPENDED		<input type="checkbox"/> PROBATION		<input type="checkbox"/> COMMUNITY SERVICE	
DAYS MONTHS		DAYS MONTHS		DAYS MONTHS	
<input type="checkbox"/> TRAFFIC SAFETY PROGRAM M D Y		<input type="checkbox"/> SUBSTANCE ABUSE EVALUATION		<input type="checkbox"/> COURT REFERRAL PROGRAM COMPLETED	
COURT ORDERED LICENSE SUSPENSION		<input type="checkbox"/> CONSECUTIVE		LICENSE SURRENDERED TO COURT	
DAYS MOS.		<input type="checkbox"/> CONCURRENT		RECEIVED BY	
CONFIDENTIAL: <input type="checkbox"/> NO <input type="checkbox"/> IF YES: <input type="checkbox"/> Juvenile <input type="checkbox"/> Youthful Offender					
DATE 5/21/2007 TIME 11:54:31					
SIGNATURE OF JUDGE/MAGISTRATE REV STIN: PRYDESK1 RECPT#: 410860					
CASE APPEALED		APPEAL BOND 2005TRT022149		CIRCUIT COURT CASE NUMBER 107A.00	
M D Y				MONTGOMERY MUNICIPAL COURT	
ARRESTING AGENCY (TYPE OF ARREST) <input type="checkbox"/> STATE <input type="checkbox"/> COUNTY <input type="checkbox"/> MUNICIPAL					
CASH RECEIVED FROM		RECEIPT #		AMOUNT	
NAME AND TITLE				DATE M D Y	
LICENSE ATTACHED: <input type="checkbox"/> YES <input type="checkbox"/> NO DRS RECEIVED LICENSE: <input type="checkbox"/> YES <input type="checkbox"/> NO					

COURT ACTION AND DISPOSITION

ALABAMA, COUNTY OF Montgomery CO. 03 CITY 03 TICKET NUMBER M8791312

The undersigned, being duly sworn, deposes and says that he/she has probable cause to believe and does believe that the person herein named did, within the previous 12 months, commit the offense set forth contrary to law in that: on or about 1/20/05 at 1430 PM

TYPE VEHICLE ☐ Commercial ☐ Haz-Mat Involved ☐ Other ☒ Private

First Name James Middle/Maiden Arthur Last Stephens III

Address 2446 East Cotton Rd Street

City Eclectic State AL Zip Code 36024

State AL Driver's License Number 3689722 Class of License D

Sex M Race W DOB 11/24/57 Social Security Number 111-11-1111 Drivers License ☒ Yes ☐ No in Possession

Hgt. 6'2 Wgt. 180 Eyes Brn Hair Brn Vehicle Tag Number Split State AL Year 06

Vehicle Description GMC Truck Owner of Vehicle ☒ Driver ☐ Employer ☐ Other

Employer/Owner of Vehicle (Address)

☐ Did unlawfully operate a motor vehicle, other vehicle, or ☐ otherwise unlawfully use a public street, road, highway or other place, at or near Lower Rd / Jones Road within the ☒ city limits or ☐ police jurisdiction of Montgomery, or ☐ within _____ County, at or near the following location _____ in violation of ☐ Section _____ Code of Alabama 1975,

☐ or Rule/Regulation number (or) ☒ Municipal Ordinance No. 25-175A, duly adopted and in force at the time the offense was committed, (if applicable) ☐ adopting Section _____ Code 1975, more particularly described below:

CHECK THE APPROPRIATE BLOCK:

UCR Code	KM No.	Street/Road Code
<input type="checkbox"/> 1 Speeding _____ MPH _____ Speed Limit _____	<input type="checkbox"/> 7 Driving While Revoked	
<input type="checkbox"/> 2 Reckless Driving	<input type="checkbox"/> 8 Driving While Suspended	
<input type="checkbox"/> 3 Driving Without First Obtaining a Driver's License	<input type="checkbox"/> 10 Running Red Light	
DID DRIVE OR BE IN ACTUAL PHYSICAL CONTROL OF A VEHICLE WHILE:	<input type="checkbox"/> 13 Improper Equipment (Specify) _____	
<input type="checkbox"/> 4 There was .08% or More By Weight of Alcohol in His/Her Blood	<input type="checkbox"/> 14 Improper Passing	
<input type="checkbox"/> 4 Under the Influence of Alcohol	<input checked="" type="checkbox"/> 28 Improper Tag (Specify) <u>08/25</u>	
<input type="checkbox"/> 5 Under the Influence of Controlled Substance	<input type="checkbox"/> 29 Improper Turn	
<input type="checkbox"/> 71 Under the Combined Influence of Alcohol and Controlled Substance	<input type="checkbox"/> 42 Overweight Vehicle	
<input type="checkbox"/> 72 Under the Influence of any Substance which Impairs the Mental or Physical Faculties	<input type="checkbox"/> 61 Child Restraint Violation	
<input type="checkbox"/> 6 Failure to Yield Right of Way	<input type="checkbox"/> 77 Seat Belt Violation	
<input type="checkbox"/> Other Violation (Specify) _____		

FACTS RELATING TO THE OFFENSE: (Witnesses, etc) ☐ Companion Case (Traffic, Non-Traffic, Felony, Other) ☐ Accident Involved

Complainant's Signature Al M. M. Barber Officer ID 825 Agency ORI AC030100

Verified and Acknowledged before me this date 1/20/05 (Circle Title) Judge/Magistrate Patrick J. Murphy

☐ Municipal ☐ District Court

COURT APPEARANCE INFORMATION

Court Appearance Date/Time 01/04/05 8:30 ☐ AM ☐ PM Court Address 320 N. Ripley St

I Promise to appear in court at said time and place or otherwise comply with the provisions of this complaint and instructions of the notice part of this ticket.

Defendant's Signature James Arthur Stephens III Phone ()

☐ Released on Own Recognizance ☐ Driver's License Posted in Lieu of Bond

COMPLAINT AND AFFIDAVIT

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL DOCUMENT ON FILE IN THE MONTGOMERY MUNICIPAL COURT

Patrick J. Murphy
PATRICK J. MURPHY
CLERK OF THE
MONTGOMERY MUNICIPAL COURT

DATE 6-26-07

TICKET # M 8791312
CASE #

AL		COUNTY		TICKET NUMBER		YEAR		NUMBER	
<input type="checkbox"/> MUNICIPAL COURT OR <input type="checkbox"/> DISTRICT COURT OF		COUNTY		TICKET NUMBER		YEAR		NUMBER	
DEFENDANT'S NAME		CHARGE		TICKET NUMBER		YEAR		NUMBER	
CONTINUED TO		M		D		Y		REASON	
2ND CONTINUANCE		M		D		Y		REASON	
UTC-6A MAILED		M		D		Y		NEW COURT DATE	
M		D		Y		M		D	
WARRANT ISSUED		M		D		Y		BOND SET \$	
M		D		Y		M		D	
WARRANT SERVED		M		D		Y		WARRANT RECALLED	
M		D		Y		M		D	
CONDITIONAL BOND FORFEITURE ORDER ISSUED		M		D		Y		BOND FORFEITURE ORDERED FINAL	
M		D		Y		M		D	
ATTORNEY FOR DEFENDANT		CHECK IF APPLICABLE		<input type="checkbox"/> Defendant informed of right to counsel		<input type="checkbox"/> Voluntarily waived counsel		<input type="checkbox"/> Defendant found indigent, counsel appointed	
PLEA OF DEFENDANT (CHECK ONE)									
1 <input checked="" type="checkbox"/> Guilty as charged 2 <input type="checkbox"/> Guilty of 3 <input type="checkbox"/> Not guilty									
ADJUDICATION (CHECK ONE)									
3 <input type="checkbox"/> Guilty of 4 <input type="checkbox"/> Not pressed 5 <input type="checkbox"/> Dismissed									
ORDERS OF THE COURT									
FINE \$		COURT COSTS \$		TOTAL FINE AND COURT COSTS \$		ADDITIONAL PENALTIES / FEES / COSTS			
HEAD INJURY DUI \$		CRIMINAL HISTORY DUI \$10.00		CRIME VICTIMS (DUI/RECKLESS DRIVING) MISDEMEANOR (MINIMUM \$25.00) \$		HOUSING & MAINTENANCE \$		MEDICAL \$	
M		D		Y		M		D	
JAIL		M		D		Y		LOCATION	
SENTENCE SUSPENDED		DAYS		MONTHS		PROBATION		COMMUNITY SERVICE	
TRAFFIC SAFETY PROGRAM		M		D		Y		COURT REFERRAL PROGRAM	
M		D		Y		M		D	
COURT ORDERED LICENSE SUSPENSION		DAYS		MONTHS		LICENSE SURRENDERED TO COURT		RECEIVED BY	
M		D		Y		M		D	
CONFIDENTIAL: <input type="checkbox"/> NO <input type="checkbox"/> IF YES: <input type="checkbox"/> Juvenile <input type="checkbox"/> Youthful Offender									
DISPOSITION DATE		SIGNATURE OF JUDGE/MAGISTRATE		DATE		TIME		RECEIPT #	
JAN 17 2006		[Signature]		5/21/2007		11:53:56		A10859	
CASE APPEALED		APPEAL BOND \$		CIRCUIT COURT CASE NUMBER		MONTGOMERY MUNICIPAL COURT			
M		D		Y		M		D	
ARRESTING AGENCY (TYPE OF ARREST)		<input type="checkbox"/> STATE <input type="checkbox"/> COUNTY <input type="checkbox"/> MUNICIPAL		CASH RECEIVED FROM		RECEIPT #		AMOUNT \$	
NAME AND TITLE				DATE		M		D	
M		D		Y		M		D	
LICENSE ATTACHED: <input type="checkbox"/> YES <input type="checkbox"/> NO		DPS RECEIVED LICENSE		<input type="checkbox"/> YES <input type="checkbox"/> NO					

COURT ACTION AND DISPOSITION

State of Alabama
City of Montgomery**COURT RECORD**
CASE ACTION SUMMARY

Form MMC-1010

Rev. 10/03

Case Number

2005CRA003919A

PAGE 1 OF 4

IN THE MUNICIPAL COURT OF MONTGOMERY, ALABAMA
(Name of Municipality)MUNICIPALITY OF MONTGOMERY v. JAMES ARTHUR STEPHENS
Defendant**DEFENDANT IDENTIFICATION AND INFORMATION**

Social Security Number 419-90-0458	Date of Birth 11/24/1957	Home Address 2446 E COTTON RD		
Race W	Sex M	City ECLECTIC	State AL	Zip Code 36024
Height	Weight	Home Telephone Number		
Eye Color	Hair Color	Employer Name & Address		
Driver License State AL	Driver License Number 3689722	City	State	Zip Code
Other / Distinguishing Features:		Employer Telephone Number		

Offense / Charge: (05F(99)) THEFT OF LOST PROPERTY 3Complainant - Victim / Arresting Officer: GLORIA PICKNEYBondsman / Surety: _____ Bond Amount: 0.00

Date of Offense	Date Warrant Issued	Date Committed to Jail	Date Released on Bond	Arraignment Date	Trial Date
06/04/2005				06/09/2005	

PROSECUTOR NAME:**DEFENSE COUNSEL NAME:**ARRAIGNMENT: _____ ARRAIGNMENT: Whitney

TRIAL: _____ TRIAL: _____

PLEA OF DEFENDANT: ☒ GUILTY AS CHARGED ☐ NOT GUILTY ☐ GUILTY OF:**ADJUDICATION**
☒ GUILTY AS CHARGED ☐ NOT GUILTY ☐ NOL-PROSSED ☐ DISMISSED
☐ GUILTY OF: _____

DATE

JUDGE, CITY OF MONTGOMERY

ACTIONS, JUDGMENTS, CASE NOTESSENTENCED TO 30 DAYS IN JAIL, SUSPENDFINE: \$ 400 COURT COST: \$ 191TOTAL FINE, COST & FEES: \$ 613.00 1/13/06I HEREBY CERTIFY THAT THIS IS A TRUE AND
CORRECT COPY OF THE ORIGINAL DOCUMENT ON
FILE IN THE MONTGOMERY MUNICIPAL COURTPATRICK J. MURPHY
CLERK OF THE
MONTGOMERY MUNICIPAL COURTDATE: 6-26-07
DUE DATE: 11-1-05

Financial System Form 10-64(a)(front) Rev. 11/92	<h2 style="margin:0;">DEPOSITION</h2>	Warrant Number <div style="font-size: 1.5em; font-family: cursive;">2005M-2560</div> Case Number
IN THE <u>MUNICIPAL</u> COURT OF <u>MONTGOMERY,</u> <u>ALABAMA</u> (Circuit, District or Municipal) (Name of Municipality or County)		
<input type="checkbox"/> STATE OF ALABAMA <input checked="" type="checkbox"/> MUNICIPALITY OF <u>MONTGOMERY</u>		
<u>James Arthur Stephens</u> , Defendant		

INSTRUCTIONS: COMPLETE THE FOLLOWING INFORMATION ON THE ACCUSED

Name of Accused (or Alias) <u>James Arthur Stephens III</u>						Telephone Number <u>5412558</u>	
Social Security Number <u>419 90 0458</u>		Driver's License Number		Date of Birth <u>11/24/57</u>	Age <u>47</u>	Race <u>W</u>	Sex <u>M</u>
Height <u>6'2"</u>	Weight <u>160</u>	Hair <u>Bl</u>	Eyes <u>Brown</u>	Complexion			
Address of Accused <u>2446 E. Cotton Rd</u>				City <u>Eclectic</u>	State <u>ALA</u>	Zip <u>36024</u>	
Name of Employer				Employer's Telephone Number			
Address of Employer		City		State		Zip	

INSTRUCTIONS: COMPLETE THE FOLLOWING INFORMATION ON THE OFFENSE

Offense: <u>THEFT OF PROPERTY 3rd</u>
Date and Time of Offense: <u>8:00AM June 4/05</u>
Place of Occurrence: <u>3104 Bozeman Dr</u>
Person Attacked or Property Damaged: <u>1 Deep Freezer</u>
How Attacked: <u>Take from side of House</u>

Did Accused Possess or Use a Weapon? ☐ Yes ☐ No Type:

Damage Done or Injuries Received:

Value of Property: \$400.00

Details of Offense: X I Elmeria Pinkney were out of town where I returned Jerome Williams told me that a man when get things out of my side of my house 1st were Deep Freezer and window I did not give him permission to get anything out of my yard so he said the man were white in a black Elmeria so 5/2/05 we seen him at Charles place I call police that come out but he have left he four police come so that come me 5/8/05 and told me that got the man so I came do to the police is witness he told me that the talk why were he up ther he said that the thing out the yard so Jerome Williams come to my house on the 5/8/05 nan at Amco some call Jerome Williams we all went up to Amco to see were this the man so it were He pass by my House 5/8/05 about three time this day so I came down to Silver a Warrant

I HEREBY CERTIFY THAT THIS IS A TRUE AND
 DIRECT COPY OF THE ORIGINAL DOCUMENT ON
 FILED IN THE MONTGOMERY MUNICIPAL COURT
 PATRICK J. MURPHY
 CLERK OF THE
 MONTGOMERY MUNICIPAL COURT
 DATE 7/10/07

State of Alabama
City of Montgomery**COURT RECORD**
CASE ACTION SUMMARYCase Number
2005CRA003739A

PAGE 1 OF 4

Form MMC-1010

Rev. 10/03

IN THE MUNICIPAL COURT OF MONTGOMERY, ALABAMA
(Name of Municipality)**MUNICIPALITY OF** MONTGOMERY v. **JAMES ARTHUR STEPHENS**
Defendant**DEFENDANT IDENTIFICATION AND INFORMATION**

Social Security Number 419-90-0458	Date of Birth 11/24/1957	Home Address 2446 E COTTON RD		
Race W	Sex M	City ECLECTIC	State AL	Zip Code 36024
Height	Weight	Home Telephone Number		
Eye Color	Hair Color	Employer Name & Address		
Driver License State AL	Driver License Number 3689722	City	State	Zip Code
Other / Distinguishing Features:		Employer Telephone Number		

Offense / Charge: **(14Q) FALSE STATEMENT-GIVING FALSE NAME, ETC. TO LE OFF.**Complainant - Victim / Arresting Officer: CLINTON HARTSFIELD 1287Bondsman / Surety: _____ Bond Amount: 0.00

Date of Offense	Date Warrant Issued	Date Committed to Jail	Date Released on Bond	Arraignment Date	Trial Date
08/18/2004				06/02/2005	

PROSECUTOR NAME:**DEFENSE COUNSEL NAME:**

ARRAIGNMENT: _____ ARRAIGNMENT: _____

TRIAL: _____ TRIAL: _____

PLEA OF DEFENDANT: ☒ GUILTY AS CHARGED ☐ NOT GUILTY ☐ GUILTY OF:**ADJUDICATION**☒ GUILTY AS CHARGED ☐ NOT GUILTY ☐ NOL-PROSSED ☐ DISMISSED☐ GUILTY OF: _____

JUN 02 2005

DATE

JUDGE, CITY OF MONTGOMERY

ACTIONS, JUDGMENTS, CASE NOTES

SENTENCED TO _____ DAYS IN JAIL, SUSPEND

FINE: \$ 200 COURT COST: \$ 191TOTAL FINE, COST & FEES: \$ 413.00 1/13/06I HEREBY CERTIFY THAT THIS IS A TRUE AND
DIRECT COPY OF THE ORIGINAL DOCUMENT ON
IN THE MONTGOMERY MUNICIPAL COURTPATRICK J. MURPHY
CLERK OF THE
MONTGOMERY MUNICIPAL COURTPAYMENT
DATE: 6-26-07
DUE DATE: 9/26/05

SEP 8 2005

2-31-05

THU PM

DEPOSITION

Warrant Number

204M-03608

Case Number

IN THE MUNICIPAL COURT OF MONTGOMERY, ALABAMA
 (Circuit, District or Municipal) (Name of Municipality or County)

☐ STATE OF ALABAMA ☒ MUNICIPALITY OF MONTGOMERY

v. JAMES ARTHUR STEPHENS III, Defendant

INSTRUCTIONS: COMPLETE THE FOLLOWING INFORMATION ON THE ACCUSED

Name of Accused (or Alias) <u>JAMES ARTHUR STEPHENS III</u>		AKA <u>AKA</u>		Telephone Number () -	
Social Security Number <u>419 - 90 - 0458</u>	Driver's License Number <u>3689722</u>	Date of Birth <u>11 / 24 / 1957</u>	Age	Race <u>White</u>	Sex <u>M</u>
Height <u>6-2</u>	Weight <u>160</u>	Hair <u>BRO</u>	Eyes <u>BLU</u>	Complexion <u>LIGHT</u>	
Address of Accused <u>2446 EAST COTTON RD.</u>		City <u>ECLECTIC</u>	State <u>AL</u>	Zip <u>36024</u>	
Name of Employer		Employer's Telephone Number () -			
Address of Employer		City <u>Montgomery</u>	State <u>AL</u>	Zip	

INSTRUCTIONS: COMPLETE THE FOLLOWING INFORMATION ON THE OFFENSE

Offense: GIVING A FALSE NAME TO A LEO

Date and Time of Offense: 08 / 18 / 2004 ☒ At ☐ Between and 1800 hours

Place of Occurrence: 2600 BLK OF SOUTHWEST ST.

Person Attacked or Property Damaged: NA

How Attacked: NA

Did Accused Possess or Use a Weapon? ☐ Yes ☒ No Type: _____

Damage Done or Injuries Received: NA

Value of Property: NA

Details of Offense: _____

ON THE LISTED DATE AT APPROXIMATELY 1800 HRS, THIS UNIT (HARTSFIELD #1287 AND ROSAMOND #1586) WAS ON ROUTINE PATROL AND NOTICED A RED MAZADA PICK-UP TRUCK PARK BEHIND A CLOSED BUSINESS AT THE CORNER OF SOUTHWEST ST AND TULANE ST. THE VEHICLE WAS OCCUPIED BY TWO UNKNOWN MALES. WE DECIDED TO INVESTIGATE THEIR ACTIVITIES. WHEN WE MADE CONTACT WITH THE OCCUPANTS, I ASKED THEM THEIR NAMES. THE MALE SUBJECT IN THE DRIVER'S SEAT STATED HIS NAME WAS JOHN STEPHENS WITH A BIRTHDATE OF AUGUST 15, 1956. HE FURTHER STATED HE COULD NOT REMEMBER HIS SOCIAL SECURITY NUMBER. AFTER RUNNING A WARRANT CHECK ON THE SUBJECT, I DISCOVERED HE WAS NOT ON FILE BOTH LOCALLY AND IN NCIC. I THEN RAN THE TAG ON THE VEHICLE HE WAS IN, AND I DISCOVERED THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL DOCUMENT ON FILE IN THE MONTGOMERY MUNICIPAL COURT. I THEN ASKED THE SUBJECT SITTING IN THE PASSENGER SEAT IF HE WAS JOHN STEPHENS AND HE STATED, "NO, THAT IS MY BROTHER." AFTER SEVERAL MINUTES OF TALKING WITH THE SUBJECT I COULD NOT DETERMINE IF HIS REAL NAME WAS JAMES OR JOHN STEPHENS. ALTHOUGH THE PHYSICAL DESCRIPTION OF JAMES MATCHED HIS PHYSICAL APPEARANCE, I DID NOT PERMIT HIM TO LEAVE. LATER THAT EVENING I UTILIZED L.E.T.S. (LAW ENFORCEMENT TACTICAL SYSTEM) WHICH GIVES LAW ENFORCEMENT PICTURES AND NAMES OF SUBJECTS WHO HAVE DRIVERS LICENSES. A SEARCH OF JOHN STEPHENS (8-15-1956) WAS MADE AND NO MATCHES WERE FOUND. A SEARCH FOR JAMES A. STEPHENS III (11-24-1957) WAS MADE AND A PICTURE AND HIS INFORMATION APPEARED. I IDENTIFIED HIM AS THE SUBJECT I was speaking with at Southwest and Tulane Streets.

ALABAMA COUNTY OF <u>Montgomery</u>		CO. <u>013</u>	CITY <u>013</u>	TICKET NUMBER <u>N 0869202</u>
The undersigned, being duly sworn, deposes and says that he/she has probable cause to believe and does believe that the person herein named did, within the previous 12 months, commit the offense set forth contrary to law in that: on or about <u>10/5/11</u> at <u>07:55</u> AM				
First Name <u>James</u>	Middle/Maiden <u>Arthur</u>	Last <u>Stephens</u>		
Address <u>2446 East Cotton St</u>				
City <u>Eclectic</u>	State <u>AL</u>	Zip Code <u>36024</u>		
State <u>AL</u>	Driver's License Number <u>3689722</u>	Class of License <u>D</u>		
Sex <u>M</u> Race <u>W</u> DOB <u>11/24/57</u>	Social Security Number <u>419-90-0458</u>	Drivers License <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Hgt <u>6'2"</u> Wgt <u>160</u> Eyes <u>BLU</u> Hair <u>BRN</u>	Vehicle Tag Number <u>29H0465</u>	State <u>AL</u>	Year <u>07</u>	
Vehicle Description <u>96 Blue Kia</u>		Owner of Vehicle <input checked="" type="checkbox"/> Driver <input type="checkbox"/> Employer <input type="checkbox"/> Other		
Employer/Owner of Vehicle (Address) <u>Same</u>				
<input checked="" type="checkbox"/> Did unlawfully operate a motor vehicle, other vehicle, or <input type="checkbox"/> otherwise unlawfully use a public street, road, highway or other place, at or near <u>3200 BIK Mobile Hwy</u> , within the <input checked="" type="checkbox"/> city limits or <input type="checkbox"/> police jurisdiction of <u>Montgomery</u> , or within <u>Montgomery</u> County, at or near the following location _____ in violation of <input type="checkbox"/> Section _____ Code of Alabama 1975.				
<input type="checkbox"/> or Rule/Regulation number (or) <input checked="" type="checkbox"/> Municipal Ordinance No. <u>125.79</u> , duly adopted and in force at the time the offense was committed, (if applicable) <input checked="" type="checkbox"/> Adopting Section <u>132-6-19</u> Code 1975, more particularly described below:				
CHECK THE APPROPRIATE BLOCK:				
1 <input type="checkbox"/> Speeding _____ MPH _____ Speed Limit 2 <input type="checkbox"/> Reckless Driving 3 <input type="checkbox"/> Driving Without First Obtaining a Driver's License 4 <input type="checkbox"/> There was .08% or More By Weight of Alcohol in His/Her Blood 4 <input type="checkbox"/> Under the Influence of Alcohol 5 <input type="checkbox"/> Under the Influence of Controlled Substance 71 <input type="checkbox"/> Under the Combined Influence of Alcohol and Controlled Substance 72 <input type="checkbox"/> Under the Influence of any Substance which Impairs the Mental or Physical Faculties 6 <input type="checkbox"/> Failure to Yield Right of Way <input type="checkbox"/> Other Violation (Specify) _____		7 <input type="checkbox"/> Driving While Revoked 8 <input checked="" type="checkbox"/> Driving While Suspended 10 <input type="checkbox"/> Running Red Light 13 <input type="checkbox"/> Improper Equipment (Specify) _____ 14 <input type="checkbox"/> Improper Passing 28 <input type="checkbox"/> Improper Tag (Specify) _____ 29 <input type="checkbox"/> Improper Turn 42 <input type="checkbox"/> Overweight Vehicle 61 <input type="checkbox"/> Child Restraint Violation 77 <input type="checkbox"/> Seat Belt Violation		

FACTS RELATING TO THE OFFENSE: (Witnesses, etc)		<input type="checkbox"/> Companion Case (Traffic, Non-Traffic, Felony, Other) <input type="checkbox"/> Accident Involved	
Complainant's Signature <u>SCW</u>		Officer ID <u>B04</u>	Agency ORI <u>AL 0030100</u>
Verified and Acknowledged before me this date _____ (Circle Title) Judge/Magistrate <u>5/18/07</u>			
<input type="checkbox"/> Municipal <input type="checkbox"/> District Court		COURT APPEARANCE INFORMATION	
		Phone <u>(334) 241-2465</u>	
Court Appearance Date <u>06/19/07</u>	Time <u>08:30</u> AM <input checked="" type="checkbox"/> PM <input type="checkbox"/>	Court Address <u>320 N Ripley St Mont AL 36104</u>	
I Promise to appear in court at said time and place or otherwise comply with the provisions of this complaint and instructions of the notice part of this ticket.			
Defendant's Signature <u>In Custody</u>		Phone ()	
<input type="checkbox"/> Released on Own Recognizance <input type="checkbox"/> Driver's License Posted in Lieu of Bond			

COMPLAINT AND AFFIDAVIT

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL DOCUMENT ON FILE IN THE MONTGOMERY MUNICIPAL COURT

Patrick J. Murphy
PATRICK J. MURPHY
CLERK OF THE
MONTGOMERY MUNICIPAL COURT

DATE 6-26-07

TICKET # N 0869202
CASE #

ALABAMA, COUNTY OF <u>Montgomery</u>		CO. <u>03</u>	CITY <u>03</u>	TICKET NUMBER <u>N 0869204</u>
The undersigned, being duly sworn, deposes and says that he/she has probable cause to believe and does believe that the person herein named did, within the previous 12 months, commit the offense set forth contrary to law in that: on or about <u>10/5/18</u> at <u>07:00</u> <u>55</u> <u>MT</u> <u>Private</u>				
First Name <u>James</u>	Middle/Maiden <u>Arthur</u>	Last <u>Stephens</u>		
Address <u>2146 East Cotton Rd</u>				
City <u>Eclectic</u>	State <u>AL</u>	Zip Code <u>36029</u>		
State <u>AL</u>	Driver's License Number <u>3689722</u>	Class of License <u>5</u>		
Sex <u>M</u> Race <u>W</u> DOB <u>11/24/57</u>	Social Security Number <u>419-90-0458</u>	Drivers License in Possession <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Hgt. <u>6'2"</u> Wgt. <u>160</u> Eyes <u>Bru</u> Hair <u>Bru</u>	Vehicle Tag Number <u>29H046J</u>	State <u>AL</u>	Year <u>27</u>	
Vehicle Description <u>96 Blue Kia</u>		Owner of Vehicle <input checked="" type="checkbox"/> Driver <input type="checkbox"/> Employer <input type="checkbox"/> Other		
Employer/Owner of Vehicle (Address) <u>Same</u>				
<input checked="" type="checkbox"/> Did unlawfully operate a motor vehicle, other vehicle, or <input type="checkbox"/> otherwise unlawfully use a public street, road, highway or other place, at or near <u>3200 Blk mobile Hwy</u> , within the <input checked="" type="checkbox"/> city limits or <input type="checkbox"/> police jurisdiction of <u>Montgomery</u> , or <input checked="" type="checkbox"/> within <u>Montgomery</u> County, at or near the following location _____ in violation of <input type="checkbox"/> Section _____ Code of Alabama 1975, <input type="checkbox"/> or Rule/Regulation number (or) <input checked="" type="checkbox"/> Municipal Ordinance No. <u>25.79</u> , duly adopted and in force at the time the offense was committed, (if applicable) <input checked="" type="checkbox"/> adopting Section <u>132-5A-330(B)</u> Code 1975, more particularly described below: CHECK THE APPROPRIATE BLOCK: 1 <input type="checkbox"/> Speeding _____ MPH _____ Speed Limit 2 <input type="checkbox"/> Reckless Driving 3 <input type="checkbox"/> Driving Without First Obtaining a Driver's License 4 <input type="checkbox"/> There was .08% or More By Weight of Alcohol in His/Her Blood 4 <input type="checkbox"/> Under the Influence of Alcohol 5 <input type="checkbox"/> Under the Influence of Controlled Substance 71 <input type="checkbox"/> Under the Combined Influence of Alcohol and Controlled Substance 72 <input type="checkbox"/> Under the Influence of any Substance which Impairs the Mental or Physical Faculties 6 <input type="checkbox"/> Failure to Yield Right of Way 7 <input type="checkbox"/> Driving While Revoked 8 <input type="checkbox"/> Driving While Suspended 10 <input type="checkbox"/> Running Red Light 13 <input type="checkbox"/> Improper Equipment (Specify) _____ 14 <input type="checkbox"/> Improper Passing 28 <input type="checkbox"/> Improper Tag (Specify) _____ 29 <input type="checkbox"/> Improper Turn 42 <input type="checkbox"/> Overweight Vehicle 61 <input type="checkbox"/> Child Restraint Violation 77 <input type="checkbox"/> Seat Belt Violation A Other Violation (Specify) <u>Open container</u>				

FACTS RELATING TO THE OFFENSE:
(Witnesses, etc)
☐ Companion Case (Traffic, Non-Traffic, Felony, Other)
☐ Accident Involved
Complainant's Signature S E WOfficer ID. 1504Agency ORI AL0030100Verified and Acknowledged before me this date
(Circle Title) Judge/Magistrate 5/18/07☒ Municipal

COURT APPEARANCE INFORMATION

☐ District CourtPhone (334) 241-2465Court Appearance Date 06/19/07Time 08:30☒ AM ☐ PMCourt Address 320 N Ripley St Mont AL 36104

I Promise to appear in court at said time and place or otherwise comply with the provisions of this complaint and instructions of the notice part of this ticket.

Defendant's Signature in custody

Phone ()

☐ Released on Own Recognizance☐ Driver's License Posted in Lieu of Bond

COMPLAINT AND AFFIDAVIT

HEREBY CERTIFY THAT THIS IS A TRUE AND
 CORRECT COPY OF THE ORIGINAL DOCUMENT ON
 FILE IN THE MONTGOMERY MUNICIPAL COURT

Patrick J. Murphy
 PATRICK J. MURPHY
 CLERK OF THE
 MONTGOMERY MUNICIPAL COURT

DATE 6-26-07

NAME

TICKET # N 0869204
CASE #

ALABAMA UNIFORM TRAFFIC
TICKET AND COMPLAINT

ALABAMA, COUNTY OF <u>Montgomery</u>		CO. <u>03</u> CITY <u>013</u>	TICKET NUMBER <u>N 0869205</u>																																	
The undersigned, being duly sworn, deposes and says that he/she has probable cause to believe and does believe that the person herein named did, within the previous 12 months, commit the offense set forth contrary to law in that: on or about <u>10/5/18/07</u> At <u>00:55</u> Time <u>AM</u> <input checked="" type="checkbox"/> PM <input type="checkbox"/> Approx. <u>MT</u>			TYPE VEHICLE <input type="checkbox"/> Commercial <input type="checkbox"/> Haz-Mat Involved <input type="checkbox"/> Other <input checked="" type="checkbox"/> Private																																	
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Address <u>246 East Cotton Rd</u> Street																																				
City <u>Eclectic</u>		State <u>AL</u>	Zip Code <u>36024</u>																																	
State <u>AL</u>	Driver's License Number <u>3689722</u>	Class of License <u>3</u>																																		
Sex <u>M</u> Race <u>W</u> DOB <u>11/24/57</u>	Social Security Number <u>419-90-0458</u>	Drivers License in Possession <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																																		
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Employer/Owner of Vehicle (Address) <u>same</u>																																				
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CHECK THE APPROPRIATE BLOCK:																																				
1 <input type="checkbox"/> Speeding _____ MPH _____ Speed Limit 2 <input type="checkbox"/> Reckless Driving 3 <input type="checkbox"/> Driving Without First Obtaining a Driver's License 4 <input type="checkbox"/> There was .08% or More By Weight of Alcohol in His/Her Blood 4 <input type="checkbox"/> Under the Influence of Alcohol 5 <input type="checkbox"/> Under the Influence of Controlled Substance 71 <input type="checkbox"/> Under the Combined Influence of Alcohol and Controlled Substance 72 <input type="checkbox"/> Under the Influence of any Substance which Impairs the Mental or Physical Faculties 6 <input type="checkbox"/> Failure to Yield Right of Way Other Violation (Specify) <u>no proof Ins</u>		<table border="1"> <thead> <tr> <th>UCR Code</th> <th>KM No.</th> <th>Street/Road Code</th> </tr> </thead> <tbody> <tr><td>7</td><td><input type="checkbox"/> Driving While Revoked</td><td></td></tr> <tr><td>8</td><td><input type="checkbox"/> Driving While Suspended</td><td></td></tr> <tr><td>10</td><td><input type="checkbox"/> Running Red Light</td><td></td></tr> <tr><td>13</td><td><input type="checkbox"/> Improper Equipment (Specify) _____</td><td></td></tr> <tr><td>14</td><td><input type="checkbox"/> Improper Passing</td><td></td></tr> <tr><td>28</td><td><input type="checkbox"/> Improper Tag (Specify) _____</td><td></td></tr> <tr><td>29</td><td><input type="checkbox"/> Improper Turn</td><td></td></tr> <tr><td>42</td><td><input type="checkbox"/> Overweight Vehicle</td><td></td></tr> <tr><td>61</td><td><input type="checkbox"/> Child Restraint Violation</td><td></td></tr> <tr><td>77</td><td><input type="checkbox"/> Seat Belt Violation</td><td></td></tr> </tbody> </table>		UCR Code	KM No.	Street/Road Code	7	<input type="checkbox"/> Driving While Revoked		8	<input type="checkbox"/> Driving While Suspended		10	<input type="checkbox"/> Running Red Light		13	<input type="checkbox"/> Improper Equipment (Specify) _____		14	<input type="checkbox"/> Improper Passing		28	<input type="checkbox"/> Improper Tag (Specify) _____		29	<input type="checkbox"/> Improper Turn		42	<input type="checkbox"/> Overweight Vehicle		61	<input type="checkbox"/> Child Restraint Violation		77	<input type="checkbox"/> Seat Belt Violation	
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FACTS RELATING TO THE OFFENSE: (Witnesses, etc)		<input type="checkbox"/> Companion Case (Traffic, Non-Traffic, Felony, Other) <input type="checkbox"/> Accident Involved	
Complainant's Signature <u>SC [Signature]</u>		Officer ID. <u>1504</u>	Agency ORI <u>AL 0030100</u>
Verified and Acknowledged before me this date <u>10/18/07</u> (Circle Title) Judge/Magistrate <u>[Signature]</u>			
<input type="checkbox"/> Municipal <input type="checkbox"/> District Court		COURT APPEARANCE INFORMATION	
Court Appearance Date <u>10/18/07</u> Time <u>0830</u> <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM		Court Address <u>320 N Ripley St Mont AL 36104</u>	
I Promise to appear in court at said time and place or otherwise comply with the provisions of this complaint and instructions of the notice part of this ticket.			
Defendant's Signature: <u>in custody</u>		Phone ()	
<input type="checkbox"/> Released on Own Recognizance		<input type="checkbox"/> Driver's License Posted in Lieu of Bond	

COMPLAINT AND AFFIDAVIT

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL DOCUMENT ON FILE IN THE MONTGOMERY MUNICIPAL COURT

Patrick Murphy
PATRICK J. MURPHY
CLERK OF THE
MONTGOMERY MUNICIPAL COURT

DATE 6-26-07

NAME

TICKET # N 0869205
CASE #

FORM TFC-1
REV. 3/97COURT CASE NO. 2007-00007
YEAR NUMBER

ALABAMA COUNTY OF <u>Montgomery</u>		CO. <u>03</u>	CITY <u>03</u>	TICKET NUMBER <u>N 0869203</u>
The undersigned, being duly sworn, deposes and says that he/she has probable cause to believe and does believe that the person herein named did, within the previous 12 months, commit the offense set forth contrary to law in that: on or about <u>10/5/11</u> at <u>07:55</u> <u>PM</u>				TYPE VEHICLE <input type="checkbox"/> Commercial <input type="checkbox"/> Haz-Mat Involved <input type="checkbox"/> Other <input checked="" type="checkbox"/> Private
First Name <u>James</u>	Middle/Maiden <u>Arthur</u>	Last <u>Stephens III</u>		
Address <u>2446 E Cotton Rd</u>				
City <u>Eclectic</u>	State <u>AL</u>	Zip Code <u>36024</u>		
State <u>AL</u>	Driver's License Number <u>3689722</u>	Class of License <u>1</u>		
Sex <u>M</u>	Race <u>W</u>	DOB <u>11/24/57</u>	Social Security Number <u>119-90-0458</u>	Drivers License in Possession <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Hgt <u>6'2"</u>	Wgt <u>160</u>	Eyes <u>Blu</u>	Hair <u>Brn</u>	Vehicle Tag Number <u>201H046J</u> State <u>AL</u> Year <u>07</u>
Vehicle Description <u>96 Buick</u>				Owner of Vehicle <input checked="" type="checkbox"/> Driver <input type="checkbox"/> Employer <input type="checkbox"/> Other
Employer/Owner of Vehicle (Address) <u>Same</u>				
<input checked="" type="checkbox"/> Did unlawfully operate a motor vehicle, other vehicle, or otherwise unlawfully use a public street, road, highway or other place, at or near <u>3200 BK Mobile Hwy</u> within the <input checked="" type="checkbox"/> city limits or <input type="checkbox"/> police jurisdiction of <u>Montgomery</u> , or within <u>Montgomery</u> County, at or near the following location _____ in violation of <input type="checkbox"/> Section _____ Code of Alabama 1975,				
<input type="checkbox"/> or Rule/Regulation number (or <input checked="" type="checkbox"/> Municipal Ordinance No. <u>12579</u> , duly adopted and in force at the time the offense was committed, (if applicable) <input checked="" type="checkbox"/> Adopting Section <u>T32-5.240(b)(1)</u> Code 1975, more particularly described below:				
CHECK THE APPROPRIATE BLOCK:				
1 <input type="checkbox"/> Speeding _____ MPH _____ Speed Limit 2 <input type="checkbox"/> Reckless Driving 3 <input type="checkbox"/> Driving Without First Obtaining a Driver's License 4 <input type="checkbox"/> There was .08% or More By Weight of Alcohol in His/Her Blood 5 <input type="checkbox"/> Under the Influence of Alcohol 6 <input type="checkbox"/> Under the Influence of Controlled Substance 71 <input type="checkbox"/> Under the Combined Influence of Alcohol and Controlled Substance 72 <input type="checkbox"/> Under the Influence of any Substance which Impairs the Mental or Physical Faculties 6 <input type="checkbox"/> Failure to Yield Right of Way <input type="checkbox"/> Other Violation (Specify) _____		UCR Code _____ KM No. _____ Street/Road Code _____ 7 <input type="checkbox"/> Driving While Revoked 8 <input type="checkbox"/> Driving While Suspended 10 <input type="checkbox"/> Running Red Light 13 <input checked="" type="checkbox"/> Improper Equipment (Specify) <u>one headlight out</u> 14 <input type="checkbox"/> Improper Passing 28 <input type="checkbox"/> Improper Tag (Specify) _____ 29 <input type="checkbox"/> Improper Turn 42 <input type="checkbox"/> Overweight Vehicle 61 <input type="checkbox"/> Child Restraint Violation 77 <input type="checkbox"/> Seat Belt Violation		

FACTS RELATING TO THE OFFENSE: (Witnesses, etc)		<input type="checkbox"/> Companion Case (Traffic, Non-Traffic, Felony, Other) <input type="checkbox"/> Accident Involved	
Complainant's Signature <u>SCW</u>		Officer ID. <u>1507</u>	Agency ORI <u>AL 0030100</u>
Verified and Acknowledged before me this date _____ (Circle Title) Judge/Magistrate <u>Shirley</u>		M <u>5</u> D <u>18</u> Y <u>10</u>	
<input checked="" type="checkbox"/> Municipal <input type="checkbox"/> District Court		COURT APPEARANCE INFORMATION	
Court Appearance Date <u>06/17/07</u> Time <u>08:30</u> <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM		Court Address <u>320 N Rpley St Mont AL 36104</u>	
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Defendant's Signature: <u>in Custody</u>		Phone () _____	
<input type="checkbox"/> Released on Own Recognizance		<input type="checkbox"/> Driver's License Posted in Lieu of Bond	

COMPLAINT AND AFFIDAVIT

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL DOCUMENT ON FILE IN THE MONTGOMERY MUNICIPAL COURT

Patrick Murphy
 PATRICK J. MURPHY
 CLERK OF THE
 MONTGOMERY MUNICIPAL COURT
 DATE 6-26-07

NAME

TICKET # N 0869203
CASE #

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

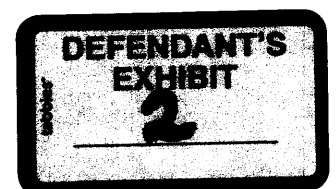
JAMES A. STEPHENS, III,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 2:07-cv-473-ID
)	
CITY OF MONTGOMERY, et al.,)	
)	
Defendant.)	

AFFIDAVIT OF WARDEN WILLIE COLLINS

Before me, the undersigned authority, personally appeared Willie Collins, who is known to me and who, being first duly sworn, deposed on oath, and says as follows:

My name is Willie Collins. I am over nineteen years of age. I have been employed with the City of Montgomery as Warden of the Montgomery City Jail since December 7, 2001. It is in that capacity that I state the following:

1. Our records indicate that James Stephens was booked in the Montgomery Municipal Jail on May 18, 2007 at approximately 2:02 a.m. Mr. Stephens went to municipal court later that same day. Mr. Stephens had outstanding fines that were commuted to serve 62 days in jail or in the alternative, pay his total fine of \$1,640.00. On May 19, 2007, Mr. Stephens' fines were paid and he was released at 22:49. I have attached to my affidavit as *Exhibit 1*, a certified copy of the records for James A. Stephens during his most recent incarceration at the Montgomery Municipal Jail of May 18 – May 19, 2007.



2. Mr. Stephens was provided a mat to sleep on due to temporary overcrowding within the Montgomery Municipal Jail.

3. Mr. Stephens was housed in temporary quarters in the annex recreation area which is used as a temporary holding area.

4. The Montgomery Municipal Jail allows inmates to call for medications that are needed during their incarceration. I have nothing to indicate that Mr. Stephens requested a call to receive medication. However our records do indicate that Mr. Stephens made two phone calls on May 18th at 2:09 to numbers 241-7107 and 265-7034.

5. The Montgomery Municipal Jail has telephones in the permanent housing area. When inmates are housed in the overflow area they are allowed to make calls when the inmates in the permanent housing areas are placed in lock-up status. The annex recreation area is used as the temporary holding area when crowding exists.

6. Inmates of the Montgomery Municipal Jail are advised of the telephone policy. This policy informs inmates of the times telephones will be turned on. Ordinarily inmates housed in the holding area or temporary quarters are allowed access to telephones every other day. There are no telephones in the temporary quarters.


7. The housing of inmates in the temporary holding area or temporary quarters is an emergency procedure that is put into place when there is an overflow or crowding exists within the Montgomery Municipal Jail. This area has one toilet and is not equipped with showers. Inmates are processed to adjoining pods to make phone calls and receive showers.

8. Hygiene packets are available in the Montgomery Municipal Jail. Soap and tissue are issued every other night and towels are issued daily. Inmates are allowed to shave on a regular basis.

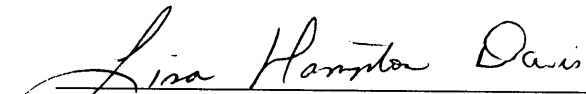
9. All emergency exits are within the required standards based on fire inspections and emergency plans for the Montgomery Municipal Jail.

10. The Montgomery Municipal Jail does not have a law library.

I have read the above and foregoing affidavit consisting in total of three (3) pages and state that it is true and correct to my present knowledge and information.


Willie Collins, Warden

SWORN to and SUBSCRIBED before me this the 9th day of July, 2007.


Notary Public
My Commission Expires March 17, 2009

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JAMES A. STEPHENS, III,

Plaintiff,

v.

CITY OF MONTGOMERY, et al.,

Defendant.

)
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Case No. 2:07cv473-ID

CERTIFICATE OF AUTHENTICITY

I hereby certify that the attached is a true and complete copy of the Montgomery Municipal Jail records pertaining to James A. Stephens, DOB: 11/24/57, kept in the Montgomery Municipal Jail during his incarceration from 5/18/07 – 5/19/07.

I further certify that all records of the inmates in this facility are in the care, custody and control of the administration, and made in the regular course of business, at the time of the events, transactions or occurrences to which they refer, or within a reasonable time thereafter.

Signed this the 2nd day of July, 2007.


CUSTODIAN OF INMATE RECORDS

SUBSCRIBED AND SWORN TO before me on this the 2nd day of July, 2007.


NOTARY PUBLIC

RETURN THIS NOTARIZED CERTIFICATE AND RECORDS TO: City of Montgomery
Attorney's Office, P. O. Box 1111, Montgomery, AL 36101-1111



BOOKING #	NAME	BOOKING DATE/TIME
2007-00003821	STEPHENS, JAMES, ARTHUR,	05/18/2007 / 2:02:51
SEX: Male	D.O.B.: 11/24/1957 AGE: 49	

EXAMINER: WILSON, FLOYD, ,

BK - Int Cls Medical Intake/History/Rec.-Vis

	ANSWER	REMARK
1. Have you ever been treated for Asthma?	NO	
2. Have you ever been treated for Heart Trouble?	NO	
3. Have you ever been treated for high blood pressure	NO	
4. Have you ever been treated for Diabetes?	YES	
5. Have you ever been treated for seizures/epilepsy?	NO	
6. Have you ever been treated for drug addiction?	YES	
7. Have you ever been treated for alcoholism?	YES	
8. Have you ever been treated for Tuberculosis?	NO	
9. Have you ever been treated for venereal disease?	NO	
10. Have you ever been treated for kidney Trouble?	NO	
11. Have you ever been treated for ulcers?	NO	
12. Have you ever been treated for female problems?	NO	
13. Have you ever been treated for Sickel Cell?	NO	
14. Have you ever been tested for Hepatitis?	NO	
15. Have you ever been treated for Hepatitis?	NO	
16. Have you ever been tested for AIDS?	YES	
17. Have you ever been treated for AIDS?	NO	
18. Have you ever been treated for a mental condition?	YES	
19. Have you ever used or taken drugs?	YES	
20. Are you pregnant? If so how many months.	NO	
21. Has anyone in your family ever attempted suicide?	NO	
22. Have you ever attempted suicide?	NO	
23. Is the inmate a suicide risk?	NO	
24. Does the inmate have any obvious pain?	NO	
25. Does the inmate have any obvious bleeding?	NO	
26. Does the inmate have visible signs of trama?	NO	
27. Does the inmate have obvious signs of illness?	NO	
28. Does the inmate require emergency care at present?	NO	
29. Does the inmate require doctor's care at present?	NO	
30. How were injuries received (yes/no then describe)?	NO	
31. Is there obvious fever or swollen lymph nodes?	NO	
32. Is there obvious jaundice?	NO	
33. Any evidence of infection that might spread?	NO	
34. Is the skin in good condition & free from vermin?	YES	
35. Does inmate appear to be under inf. of alcohol?	NO	
36. Does inmate appear to be under inf. of drugs?	NO	
37. Are there any signs of alcohol/drug withdrawal?	NO	
38. Does the inmate appear to be danger to staff?	NO	
39. Does the inmate appear to be a danger to others?	NO	
40. Are there any medications with the inmate?	NO	
41. Any medical problems which need attention?	NO	
42. Alguna vez a sido tratado para:	NO	
43. el asma?	NO	
44. Problemas del Corazon?	NO	
45. La alta presion?	NO	
46. la Diabetes?	NO	
47. Epilepsia o convulsiones?	NO	
48. la addiccion de drogas?	NO	
49. por ser alcoholico?	NO	
50. la Tuberculosis?	NO	

BOOKING #	NAME	BOOKING DATE/TIME
2007-00003821	STEPHENS, JAMES, ARTHUR,	05/18/2007 / 2:02:51
SEX: Male	D.O.B.: 11/24/1957 AGE: 49	
51. una enfermedad transmitida a traves del sexo?		NO
52. para problemas de los rinones?		NO
53. ulceras?		NO
54. problemas femeninos?		NO
55. la Anemia?		NO
56. analizado a ver si tienes Hepatitis?		NO
57. tratado para la Hepatitis?		NO
58. analizado para ver si tiene Sida?		NO
59. tratado para el Sida?		NO
60. Tratado para una condicion mental?		NO
61. Alguna vez a tomado o usado drogas?		NO
62. Alguna vez usted a intentado suicidarse?		NO
63. Esta usted embarazada?		NO
64. Si contesta si, cuantos meses?		NO
65. Alguna vez:		NO
66. alguien en su familia a intentado suicidarse?		NO

OFFICER'S INPUT (MEDICAL):

I AGREE THAT THE ABOVE INFORMATION CAN BE RELEASED
TO ANY COUNSELOR OR ATTENDING PHYSICIAN:

X
(INMATE'S SIGNATURE)

FWilson 1350 @ 0236
(OFFICER'S SIGNATURE)

NOTIFICATION OF MEDICAL DIRECTOR DESIGNEE:

TIME: _____ WHOM: _____

PHYSICIAN/NURSE SIGNATURE: _____



JAIL BOOKING SHEET

ORI #: AL0030100

JACKET #: 000120263

BOOKING #: 200700003821

NAME: STEPHENS, JAMES, ARTHUR,

RACE: WHITE

SEX: MALE

DOB: 11/24/1957

SSN #: 419-90-0458

HEIGHT: 6'02"

WEIGHT: 160

MONTGOMERY POLICE DEPARTMENT

MUNICIPAL JAIL FACILITY

DATE: 5/18/07 **MONTGOMERY MUNICIPAL JAIL**
PRISONER TELEPHONE CALL LOG

PRISONER'S NAME	DATE	TIME	NO. CALLED	CALL COMPLETED OFFICER INITIALS	INMATE SIGNATURE
Stephen James	5/18/07	0209	241-7107 265-7034	FW yes	X
KEVIN LANE	5/18/07	0244	2691536	SP YES	X Kevin Lane
Corretta May	5/18/07	0248	269-2937	R yes	X Corretta May
IVORY CHAPPELL	5/18/07	0532	3189311	SP YES	X Ivory Chappell
Alexander Adair	5/18/07	0750	764-5515	Yes TB	X Alexander Adair
Brenda Goldsmith	5/18/07	0850	233-3988	yes VW	X Brenda Goldsmith
Justina Jones	5/18/07	12	284-0598	yes VW	X Justina Jones
Dennis Sunday	5/18/07	1435	593-8630	yes MT	X Dennis Sunday
Elly Elly	5/18/07	1436	294-3335	yes MT	X Elly Elly
Kellie West	5/18/07	1439	264-2737	yes MT	X Kellie West
KEVIN LANE	5/18/07	1	264-7832	MT	X Kevin Lane
Londak Shave	5/18/07	1655	549-1199	yes MT	X Londak Shave
William Scott Stewart	5/18/07	1915	Decline	RW No	X Scott Stewart
Carlos Bishop	5/18/07	2005	241-7026	QW yes	X Carlos Bishop
Shawn Mcghee	5/18/07	2015		TE yes	X Shawn Mcghee
Bawlinar, James	5-18-07	2331	261-1107	198 yes	X
KERRY CHAPPELL	5/18/07	0100	850-0424	SP YES	X Kerry Chappell
James Steele	5/18/07	012	361-2152	198 yes	X
Adam Stewart	5/18	0302	538-8038	SP yes	X
DERICK SMITH	5/18/07	0345	2807145	SP YES	X Derrick Smith
Roslyn Martin	5/19/07	0420	Declined	Nc DMC	X Roslyn Martin
WILLIE DAIELS	5/19/07	0445	3225402		
Monica Bentley	5/19/07	0530	286-3861	yes SP	X Monica Bentley
Clifton Bryant	5/19/07	0723	2857012	yes SP	X Clifton Bryant
Kiana Kiana	5/19/07	1430	549-7253	yes VW	X Kiana Kiana
Karonia West	5/18/07	1245	538-2339	yes VW	X Karonia West
Monica Murrey	5/18/07	1900	361-2474	yes MO	X Monica Murrey

CITY OF MONTGOMERY
STATE OF ALABAMA

Booking Date & Time: 05/18/2007 02:02 MT BOOKING NUMBER: 2007-00003821

NAME: STEPHENS,JAMES,ARTHUR,

RACE: White SEX: Male DOB: 11/24/1957 SSN: 419-90-0458

ADDRESS: 2446 EAST COTTON ROAD, ECLECTIC, Alabama, 36024

1	COMM. THEFT OF PROPERTY 3	2005CRA003919A
2	COMM. IMPROPER TURN	M7986343
3	COMM. SEAT BELT VIOLATION	M7986357
4	COMM. IMPROPER TAG	M8791312
5	COMM. OTHER TRAFFIC VIOLATI	M8842889
6	COMM. FALSE STATEMENT-GIVIN	200CRA003739A

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He Came in @ 2:02 Am on 5-18-07
Went to Court the same day got 62
days in jail or could he paid out. His
family paid him out on 5-19-07 & he
was released @ 22:49.

OUT

MONTGOMERY MUNICIPAL COURT

STATE OF ALABAMA

Date & Time: 5/19/2007 8:35:39 PM BOOKING NUMBER: 2007-00003821

TO THE WARDEN OF THE MONTGOMERY CITY JAIL, RELEASE:

NAME: STEPHENS, JAMES, ARTHUR,

RACE: White SEX: Male DOB: 11/24/1957 SSN: 419-90-0458

this 19TH day of MAY, 20 07.

LES HAYES

Presiding Judge

by:

	CHARGE DESCRIPTION	CASE #	DAYS SERVED	AMOUNT PAID	BALANCE DUE
1	COMM. THEFT OF PROPERTY 3	2005CRA003919A	0	635.00	0
2	COMM. IMPROPER TURN	M7986343	0	167.00	0
3	COMM. SEAT BELT VIOLATION	M7986357	1	44.00	0
4	COMM. IMPROPER TAG	M8791312	0	167.00	0
5	COMM. OTHER TRAFFIC VIOLATI	M8842889	0	167.00	0
6	COMM. FALSE STATEMENT-GIVIN	200CRA003739A	0	435.00	0
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20					

TOTAL DAYS SERVED: 1

TOTAL AMOUNT PAID: 1615

TOTAL FINE BALANCE: 0

TIME BALANCE TO BE PAID:

YOU MUST APPEAR IN COURT AT 8:30 A.M. ON THE DUE DATE IF YOUR FINES AND COSTS ARE NOT PAID IN FULL. IF YOU FAIL TO PAY YOUR TOTAL FINE BALANCE AND DO NOT APPEAR, YOU MAY BE ARRESTED.

2007 MAY 19 P 8:38
 FILED
 CLERK OF COURT
 MONTGOMERY MUNICIPAL COURT
 MONTGOMERY MUNICIPAL COURT
 320 NORTH RIPLEY STREET
 MONTGOMERY, AL 36104-2722
 (334) 241-2776

STATE OF ALABAMA

Date & Time: 5/18/2007 9:27:41 AM

BOOKING NUMBER:

2007-00003821

NAME: STEPHENS, JAMES, ARTHUR,

RACE: White SEX: Male DOB: 11/24/1957

SSN: 419-90-0458

ADDRESS: 2446 EAST COTTON ROAD, ECLECTIC, Alabama, 36024

(5/18)

	CHARGE DESCRIPTION	CASE #	COURT DISPOSITION OF CASE
1	COMM. THEFT OF PROPERTY 3	2005CRA003919A	\$635.00 or 25 days
2	COMM. IMPROPER TURN	M7986343	\$167.00 or 6 days
3	COMM. SEAT BELT VIOLATION	M7986357	\$69.00 or 2 days
4	COMM. IMPROPER TAG	M8791312	\$167.00 or 6 days
5	COMM. OTHER TRAFFIC VIOLATI	M8842889	\$167.00 or 6 days
6	COMM. FALSE STATEMENT-GIVIN	200CRA003739A	\$435.00 or 17 days
7			
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9	Release = 7-18-07		62 or \$1,640 ⁰⁰
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22			



JAIL BOOKING SHEET

ORI #: AL0030100

JACKET #: 000120263

BOOKING #:

200700003821

NAME: STEPHENS, JAMES, ARTHUR,

RACE: WHITE

SEX: MALE

DOB: 11/24/1957

SSN #: 419-90-0458

HEIGHT: 6'02"

WEIGHT: 160

MONTGOMERY POLICE DEPARTMENT

MUNICIPAL JAIL FACILITY

Created on: Tuesday, June 12, 2007

MEMO

TO: ALL CONCERNED

FROM W.R. COLLINS, WARDEN

SUBJECT STEVENS, JAMES

DATE May 24, 2007

On Tuesday, May 22, 2007 approximately 1015 hours a call was transferred to my office. The caller was an ex-prisoner who identified himself as James Stevens.

Stevens talked about 20 minutes on the following subjects: housing of jailed prisoners, sleeping arrangements access to toilet, overcrowding and access to telephones.

Steven stated that he had started a petition against the jail prior to being released and he wanted to inform me about it. He further stated that he had contacted a lawyer, the Fire Marshal, WFSA News and the Health department concerning the condition of the jail.

After a lengthy dissertation on the aforementioned subjects, Stevens related that he would "do what he had to do" to address his concerns. This writer informed Stevens that his concerns would be addressed and if there was indeed a need to correct, corrective measures would be initiated.

The conversation ended with a promise by Stevens that he would contact whomever necessary to get some action.

MANDATORY TIME RELEASE DATE: _____

COMMUTED TIME RELEASE DATE: _____

**MONTGOMERY MUNICIPAL COURT
STATE OF ALABAMA**Date & Time: 6/12/2007 9:34:28 AM BOOKING NUMBER: 000038212007NAME: STEPHENS,JAMES,ARTHUR,RACE: White SEX: Male DOB: 11/24/1957 SSN: 419-90-0458ADDRESS: Alabama360242446 EAST COTTON ROAD E CLECTIC

	CHARGE DESCRIPTION	CASE #	COURT DISPOSITION OF CASE
1	COMM. THEFT OF PROPERTY 3	2005CRA003919A	
2	COMM. IMPROPER TURN	M7986343	
3	COMM. SEAT BELT VIOLATION	M7986357	
4	COMM. IMPROPER TAG	M8791312	
5	COMM. OTHER TRAFFIC VIOLATI	M8842889	
6	COMM. FALSE STATEMENT-GIVIN	200CRA003739A	
7			<i>Came to jail 5-18-07 @ 202 AM 5-19-07 Went to Ct. Received 62 days + 7-18-07 was to be released on 5-19-07 but was paid out + released by ct @ 22:49 P.M. on 5-19-07</i>
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OUT

**MONTGOMERY MUNICIPAL COURT
STATE OF ALABAMA**

Date & Time: **5/19/2007 8:35:39 PM** BOOKING NUMBER: **2007-00003821**

TO THE WARDEN OF THE MONTGOMERY CITY JAIL, RELEASE:

NAME: **STEPHENS, JAMES, ARTHUR,**

RACE: **White** SEX: **Male** DOB: **11/24/1957** SSN: **419-90-0458**

this **19TH** day of **MAY**, **20** **07**

LES HAYES

Presiding Judge

by:

	CHARGE DESCRIPTION	CASE #	DAYS SERVED	AMOUNT PAID	BALANCE DUE
1	COMM. THEFT OF PROPERTY 3	2005CRA003919A	0	635.00	0
2	COMM. IMPROPER TURN	M7986343	0	167.00	0
3	COMM. SEAT BELT VIOLATION	M7986357	1	44.00	0
4	COMM. IMPROPER TAG	M8791312	0	167.00	0
5	COMM. OTHER TRAFFIC VIOLATI	M8842889	0	167.00	0
6	COMM. FALSE STATEMENT-GIVIN	200CRA003739A	0	435.00	0
7					
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TOTAL DAYS SERVED: 1

TOTAL AMOUNT PAID: 1615

TOTAL FINE BALANCE: 0

TIME BALANCE TO BE PAID: _____

YOU MUST APPEAR IN COURT AT 8:30 A.M. ON THE DUE DATE IF YOUR FINES AND COSTS ARE NOT PAID IN FULL. IF YOU FAIL TO PAY YOUR TOTAL FINE BALANCE AND DO NOT APPEAR, YOU MAY BE ARRESTED.

2007 MAY 19 P 8:38

FILED
CLERK OF COURT
MONTGOMERY MUNICIPAL COURT

**MONTGOMERY MUNICIPAL COURT
320 NORTH RIPLEY STREET
MONTGOMERY, AL 36104-2722
(334) 241-2776**

MONTGOMERY POLICE DEPARTMENT

DOB

11/24/57

NAME STEPHENS, JAMES R. RACE W SEX M

STREET 2446 EAST COTTON RD CITY ELLICOTT STATE AL PHONE

ARREST NO. 3821 TIME 0155 DATE 5/18/07

SEARCHED BY WILSON

BOOKING OFFICER BURNS

(1)

ATTORNEY

CLERGY

VISITOR

PERSONAL EFFECTS

CASH ASSETS

IBELT

INAIL CLIP

PHONE
CARD

CASH \$ 57.29

IBRACE

INECKLACE

CAR
REGISTRATION

CHECKS \$

IBRACELET

IPEN

4 TICKETS

IFOOD STAMPS \$

ICAP STICK

IPERSONAL TOWEL

IMONEY ORDER \$

ICIGARETTES

IPERSONAL WASH LOT

ICOMB

IPIPE

STORAGE

ICRUTCH

IPROPERTY SLIP

BROWN

BLUE JEANS

UNDERSHIRTS

BELT

PANTS

IDRIVERS LIC.

IPURSE

IBLOUSE

SHIRT

IHEAR RINGS

IRAZOR

IBOOT

SHOES

IGLASSES

IRING

IBOX

SOCKS

ITIE

ITIE

ICOAT/JACKET

SUIT

IKEYS

ITOBACCO

IDRESS

SWEATER

IKNIFE

IWALLET

IPAPERS

SWEATSUIT

ILIGHTER

IWALKING CANE

IHAT

T-SHIRTS

IMEDALS

IWATCH

REC'D

ADDITIONAL CASH

BY

ASSETS RECEIVED

IMEDICATION

IWIG

The above constitutes a list of

personal effects turned in

Signature: [Signature]

Witness: [Signature]

Sheriff [Signature]

Parole [Signature]

Remarks: [Signature]

5/17/07 PROPERTY RECEIPT

I hereby acknowledge that the

articles mentioned above are

received on the date

Signature: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

MONTGOMERY MUNICIPAL COURT
STATE OF ALABAMA

Date & Time: 5/23/2007 10:36:01 AM BOOKING NUMBER: 000038212007

NAME: STEPHENS,JAMES,ARTHUR,

RACE: White SEX: Male DOB: 11/24/1957 SSN: 419-90-0458

ADDRESS: Alabama360242446 EAST COTTON ROAD ECLECTIC

	CHARGE DESCRIPTION	CASE #	COURT DISPOSITION OF CASE
1	COMM. THEFT OF PROPERTY 3	2005CRA003919A	
2	COMM. IMPROPER TURN	M7986343	
3	COMM. SEAT BELT VIOLATION	M7986357	
4	COMM. IMPROPER TAG	M8791312	
5	COMM. OTHER TRAFFIC VIOLATI	M8842889	
6	COMM. FALSE STATEMENT-GIVIN	200CRA003739A	
7			
8			
9			
10	<i>Booked in 5-18-07 @ 2:02 AM -</i>		
11	<i>Chg. 6 Capin - He Went to Court +</i>		
12	<i>was sentenced to 7-18-07.</i>		
13	<i>He was released by Ct. 5-19-07 @ 22249</i>		
14	<i>was paid out.</i>		
15			
16			
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19			
20			

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

JAMES A. STEPHENS, III,

Plaintiff,

v.

CITY OF MONTGOMERY, et al.,

Defendant.

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Case No. 2:07-CV-473-ID

AFFIDAVIT OF M. E. BRANTLEY

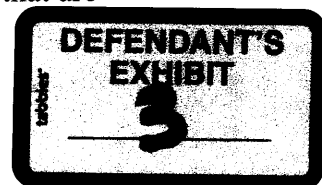
Before me, the undersigned authority, personally appeared M.E. Brantley, who is known to me and who, being first duly sworn, deposed on oath, and says as follows:

My name is M. E. Brantley. I am over nineteen years of age. I have been employed with the City of Montgomery since 11/16/78. I am the Assistant Warden of the Montgomery Municipal Jail. It is in that capacity that I state the following:

1. Our records indicate that James Stephens was booked in the Montgomery Municipal Jail on May 18, 2007 at approximately 2:02 a.m. and that Mr. Stephens went to municipal court later that same day. Mr. Stephens' fines were commuted to serve 62 days in jail or in the alternative pay his fines and be released. Our records further indicate that on May 19, 2007, Mr. Stephens' fines were paid and he was released at 22:49.

2. The Montgomery Municipal Jail provides inmates with mats to sleep on if cells with beds are not available.

3. Inmates are allowed to make a phone call when they are booked into the Montgomery Municipal Jail. The Jail also allows inmates to call for medications that are



needed during their stay. Mr. Stephens never informed me that he needed to call for medication while he was housed in the Montgomery Municipal Jail.

4. The Montgomery Municipal Jail has telephones in the permanent housing area. When inmates are housed in the overflow area they are allowed to make calls when the inmates in the permanent housing areas are placed in lock-up status. The annex recreation area is used as the temporary holding area when crowding exists.

5. Inmates of the Montgomery Municipal Jail are advised of the telephone policy. This policy informs inmates of the times telephones will be turned on. Ordinarily inmates housed in the holding area or temporary quarters are allowed access to telephones every other day. There are no telephones in the temporary quarters.

6. The housing of inmates in the temporary holding area or temporary quarters is an emergency procedure that is put into place when there is an overflow or crowding exists within the Montgomery Municipal Jail. This area has one toilet and is not equipped with showers. Inmates are processed to adjoining pods to make phone calls and receive showers.

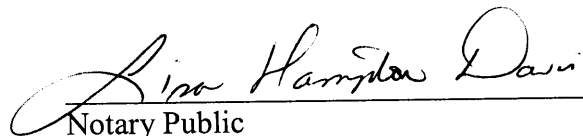
7. Hygiene packets are available in the Montgomery Municipal Jail. Soap and tissue are issued every other night and towels are issued daily. Inmates are allowed to shave on a regular basis.

8. All emergency exits are within the required standards based on fire inspections and emergency plans for the Montgomery Municipal Jail.

I have read the above and foregoing affidavit consisting in total of three (3) pages and state that it is true and correct to my present knowledge and information.


M.E. Brantley, Assistant Warden

SWORN to and SUBSCRIBED before me this the 9th day of July, 2007.


Notary Public
My Commission Expires March 19, 2009

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

JAMES A. STEPHENS, III,

Plaintiff,

VS.

CITY OF MONTGOMERY, et al.,

Defendant.

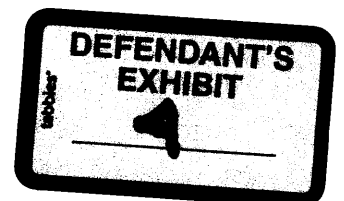
Case No. 2:07-cv-473-ID

AFFIDAVIT OF MUNICIPAL JAIL CORRECTIONS
OFFICER FLOYD WILSON

Before me, the undersigned authority, personally appeared Floyd Wilson, who is known to me and who, being first duly sworn, deposed on oath, and says as follows:

My name is Floyd Wilson. I am over nineteen years of age. I have been employed with the City of Montgomery as a Corrections Officer of the Montgomery City Jail for almost two years. It is in that capacity that I state the following:

1. It is common practice for Municipal Jail Corrections Officers to initial when inmates calls are completed and for the inmate to sign his or her name to the Montgomery Municipal Jail Prisoner Telephone Call Log. My record indicates that I was present when James Stephens placed two phone calls on May 18, 2007. The approximate time these phone calls were placed was 2:09 a.m. I initialed the Montgomery Municipal Jail Prisoner Telephone Call Log to show that Mr. Stephens had completed his call. Mr. Stephens signed his name after completing his calls. Attached to this Affidavit as exhibit



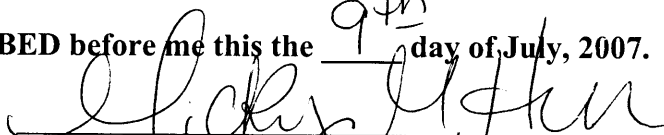
1, is the Montgomery Municipal Jail Prisoner Telephone Call Log that shows the calls that Mr. Stephens placed on May 18, 2007.

2. It is policy that an Initial Classification Listing on every inmate is completed before they are placed in the jail. In addition to the call log, corrections officers complete an Initial Classification Listing. I interviewed Mr. Stephens for his Initial Classification at 2:20 a.m., on May 18, 2007. My records reflect that Mr. Stephens had no medications with him at the time of his booking. Attached to this Affidavit as exhibit 2, is the Initial Classification Listing for Mr. Stephens of May 18, 2007.

I have read the above and foregoing affidavit consisting in total of two (2) pages and state that it is true and correct to my present knowledge and information.


Floyd Wilson, MJCO

SWORN to and SUBSCRIBED before me this the 9th day of July, 2007.


Notary Public
My Commission Expires 10/16/09